

CHAPTER 12

SUBDIVISION AND OFFICIAL MAP ORDINANCE

PROCEDURES AND PLATS

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12.01 General Provisions

12.01 (1) Title

Although the official title of Chapter 12 is the “Subdivision and Official Map Ordinance,” that chapter may also be referred to herein as the “Subdivision Ordinance” or simply as “this chapter.”

12.01 (2) Purpose and Intent

The purposes of this chapter are as follows:

- a. To regulate and control the division of land within the corporate limits and extraterritorial jurisdiction of the City.
- b. To protect and provide for the public health, safety, and general welfare of the City.
- c. To guide the future growth and development of the City in accordance with its comprehensive plan, and in concert with its zoning ordinance.
- d. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger.
- e. To protect the character and the social and economic stability of the community, encourage the orderly and beneficial development of the community through appropriate growth management techniques, promote infill development in existing neighborhoods and nonresidential areas with adequate public facilities, assure proper urban form and open space separation of urban areas, and protect environmentally critical areas and areas premature for urban development.
- f. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- g. To provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public facilities.
- h. To provide for adequate circulation of traffic throughout the City, having particular regard to avoiding congestion, providing for bicycle and pedestrian traffic, and ensuring the proper location and width of streets.
- i. To establish reasonable standards of design and procedures for subdivisions and condominiums in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- j. To ensure that public facilities and services are available concurrent with subdivision development and will have a sufficient capacity to serve the proposed subdivision, and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
- k. To prevent the undue pollution of air and water, assure the adequacy of drainage facilities, and encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the community and the value of land.
- l. To preserve the natural beauty and topography of the community and to ensure appropriate development with regard to these natural features.
- m. To provide for open spaces through the most efficient design and layout of the land, including providing for minimum width and area of lots.
- n. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

12.01 (3) Authority

These regulations are adopted under the authority granted by Chapters 236 and 703 of the Wisconsin Statutes.

12.01 (4) Jurisdiction

Jurisdiction of these regulations shall include all lands within the corporate limits of the City, as well as its extraterritorial jurisdiction. No person, firm, or corporation shall divide any land located within the corporate limits of the City or within its extraterritorial jurisdiction which shall result in a major or minor subdivision as defined in this chapter, or a condominium development, without first filing and receiving City approval of a subdivision plat or certified survey map as provided in this chapter, and subsequently recording said map with the county register of deeds. The provisions of this chapter as it applies to divisions of tracts of land into less than five parcels shall not apply to:

- a. Transfers of interests in land by will or pursuant to court orders;
- b. Leases for a term not to exceed 10 years, mortgages or easements;
- c. Sale or exchange of parcels of land between owners of adjoining property if:
 - i. Additional lots are not thereby created,
 - ii. Lots resulting are not reduced below the minimum dimensions and area required by these regulations, the zoning ordinance, or other applicable laws or ordinances, and
 - iii. A Plat of Survey showing the parcel to be transferred has been submitted for approval of the Neighborhood Planning Director, including a signature certificate and indicating the location for monuments placed at all new lot corners.

12.01 (5) Abrogation and Greater Restrictions

- a. The City Council may require placement of covenants or deed restrictions that are deemed necessary and appropriate to protect the purpose and intent of the City's comprehensive plan and ordinances. Where applicable, any such restrictions shall be placed on the face of the plat or certified survey map, or on surrounding lands from which the lot or lots were created to verify all applicable density standards.
- b. It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

12.01 (6) Consistency With Comprehensive Plan and Zoning Ordinance

No subdivision plat, certified survey map or condominium plat shall be approved or recorded for any parcel of land whose proposed subdivision or use would not substantially comply with the applicable standards of the City's Comprehensive Plan and Zoning Ordinance, and all other ordinances.

12.01 (7) Division of Zoning Lots

No zoning lot shall hereafter be divided into 2 or more zoning lots and no portion of any zoning lot shall be sold unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

12.01 (8) Land Suitability

No land shall be subdivided for residential use which is held unsuitable for such use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, condominium development, or of the community. The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider or condominium developer an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

12.01 (9) Conflicting Provisions

- a. CONFLICT WITH STATE OF FEDERAL REGULATIONS. If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.
- b. CONFLICT WITH OTHER CITY REGULATIONS. If the provisions of this chapter are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision will control.

12.01 (10) Appeals

At such time that all administrative remedies have been exhausted, any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, as provided in Wisconsin Statutes, Sections 62.23(7)(e) 10 to 15 and 236.13(5) within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

12.01 (11) Alteration, Vacations, Replats, and Corrections

Alteration, vacation or replat of a subdivision shall be done in accordance with sections 236.36 to 236.44, Wisconsin Statutes. Corrections to an approved plat or certified survey map shall be done in accordance with and subject to the limitations of Section 236.295, Wisconsin Statutes. The City Council shall approve all corrections to plats and certified survey maps within the City's corporate limits.

12.02 Site Assessment Checklist and Concept Plan

12.02 (1) Preliminary Procedure

Before filing an application for approval of a major subdivision, condominium plat, or minor subdivision of greater than five acres in total area, the subdivider or condominium developer shall prepare the following, unless exempted by other sections of this chapter:

- SITE ASSESSMENT CHECKLIST.** A site assessment checklist per the requirements of subsection (4) of this section.
- SITE ASSESSMENT REPORT.** A site assessment report, if required under subsection (5) of this section.
- CONCEPT PLAN.** A concept plan per the requirements of subsection (6) of this section.
- DEVELOPER'S STATEMENT.** The developer's statement required under subsection (7) of this section.

12.02 (2) Pre-application Meeting

On the completion of the documents specified in section 12.02(1), a pre-application meeting shall be held with the Neighborhood Planning Director and City Engineer to assist the subdivider or condominium developer in understanding the objectives of these regulations, the City's comprehensive plan and elements thereof, the City's official map and any pertinent ordinances and plans, and to reach conclusions regarding the objectives and general program for the proposed development.

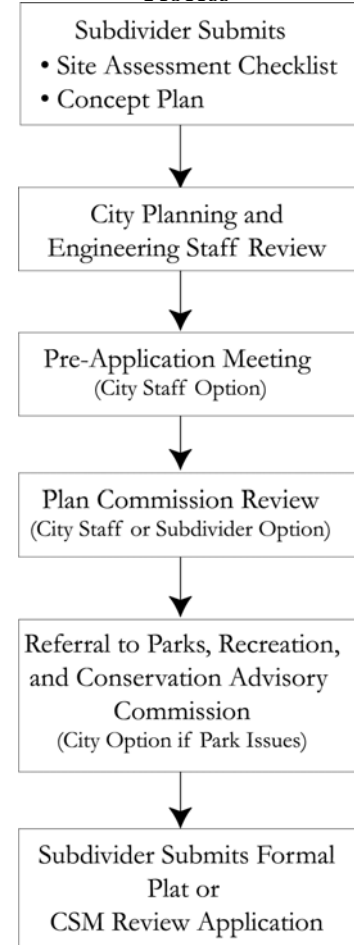
12.02 (3) Additional Reviews

- PLAN COMMISSION REVIEW.** The Neighborhood Planning Director may require, or the subdivider or condominium developer may request, Plan Commission review and comment on the submitted site assessment checklist and/or concept plan. Ten (10) copies of all documents shall be submitted by the subdivider or condominium developer to the City Neighborhood Planning Director who shall distribute the copies to the Plan Commission for review and comment. Said copies must be submitted at least 28 days prior to the date of the Plan Commission meeting at which the matter is to be reviewed.
- REFERRAL TO PARK, RECREATION AND CONSERVATION ADVISORY COMMISSION.** The concept plan may be referred to the Park, Recreation and Conservation Advisory Commission, for its review and recommendation relative to park and open space needs.

12.02 (4) Site Assessment Checklist Requirements

- PURPOSE.** The purpose of the site assessment checklist is to provide the basis for an orderly, systematic review of the effects of new subdivisions, as well as condominium developments, upon the community in accordance with the principles and procedures of Section 236.45(1), Wisconsin Statutes.
- COVERAGE.** The site assessment checklist requirement shall apply to subdivisions and condominium plats as described in section 12.02 (1).
- SITE ASSESSMENT CHECKLIST FORM.** The subdivider or condominium developer shall complete a site assessment checklist on a form provided by the Neighborhood Planning Director's office.

Figure 1: Typical Review Process



12.02 (5) Site Assessment Report Requirements

- a. **DETERMINATION OF NEED FOR SITE ASSESSMENT REPORT.** Prior to accepting a preliminary plat or certified survey map for review, the Plan Commission or City staff may, for reasons stated in a written correspondence setting forth specific questions on which it requires research, data and input from the subdivider or condominium developer and other affected persons, decide that the site assessment checklist raises unusually significant questions on the effects on the environment and/or that review by other City committees and commissions is required. The written request shall set a reasonable date for the return of the requested data and information from the subdivider or condominium developer and it may specify the format in which the data is to be presented.
- b. **HEARING ON SITE ASSESSMENT REPORT.** Following response to the written request to the City Neighborhood Planning Director, the City shall distribute the report to all interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. If scheduled, the hearing shall be preceded by a Class 1 notice under Chapter 985, Wisconsin Statutes. Persons attending such hearing shall be afforded an opportunity to comment on the report.
- c. **REVIEW OF SITE ASSESSMENT REPORT.** The Plan Commission shall review the site assessment report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within 30 days after submission of the site assessment report by the subdivider or condominium developer, the Plan Commission shall decide whether the affected land is suitable for development per section 12.01 (8). If determined unsuitable, the Plan Commission shall provide its reasons in writing, and subdivider or condominium developer shall have the opportunity to remedy the reasons before a certified survey map, preliminary plat, or condominium plat may be filed.

12.02 (6) Concept Plan Requirements

If required under section 12.02 (1), the subdivider or condominium developer shall prepare a concept plan for review by City staff. At its option, City staff may choose to present the concept plan to the Plan Commission and/or Park, Recreation and Conservation Advisory Commission for their review and comment prior to the filing of a preliminary plat, certified survey map, or condominium plat. For a Traditional Neighborhood Development, Cluster Development, or Planned Unit Development, a Preliminary Development Plan or PUD Master Land Use Plan may serve as the concept plan.

- a. **PURPOSE.** The purpose of the concept plan is to depict the general intent of the subdivider or condominium developer in terms of general layout of the subdivision or condominium development and its relationship to nearby properties, roads, utilities and other public facilities. In conjunction with the site assessment checklist, the concept plan provides an opportunity to review the general intent and impact of the proposed subdivision, or condominium development, without the need for detailed engineering, surveying, and other time consuming and costly processes associated with the preparation of a preliminary plat.
- b. **COVERAGE.** The concept plan shall indicate a proposed subdivision or building placement pattern for all lots on contiguous land owned or controlled by the subdivider or condominium developer. The Plan Commission may waive this requirement in the case where the remainder of the area owned or controlled by the subdivider or condominium developer is included in a detailed neighborhood development plan adopted as a component of the City's comprehensive plan, and the subdivider or condominium developer demonstrates an intent to subdivide or develop according to that plan or to a concept plan, general development plan, or preliminary plat previously submitted and reviewed by the City.

12.02 (7) Developer's Statement

The subdivider or condominium developer shall file a signed statement listing all development projects for which the developer has sought or received city approval during the past five years. The statement shall indicate whether the developer has any outstanding contractual obligations to perform on any such projects. If the developer's statement is found to contain false or misleading information pertaining to past projects or contractual obligations, the application for approval of a subdivision may not be accepted until the developer's statement is corrected and any default in the performance of contractual obligations has been cured.

12.03 Major Subdivisions - Preliminary Plat

12.03 (1) Applicability

The provisions of this section apply to 'major subdivisions' (as that term is defined in section 12.15) of land within the City and within the City's extraterritorial jurisdiction. If the preliminary condominium plat conforms to section 703.11 of the Wisconsin Statutes, it shall be processed as a final plat. (Amended, Ordinance #2992, 05-20-2002)

12.03 (2) Preliminary Plat Review Procedure

- a. APPLICATION. Prior to submitting a final plat or condominium plat for approval for all major subdivisions, or condominium developments, the subdivider or condominium developer shall prepare a preliminary plat and file a written application for its approval with the Neighborhood Planning Director, along with 10 copies of the preliminary plat. The submittal shall include all data required by this section. A preliminary plat shall not be submitted prior to City review of the site assessment checklist, the site assessment report when required, or the concept plan. The preliminary plat shall be filed at least 30 days prior to the date of the Plan Commission meeting at which action is expected to allow adequate time for review and recommendation by appropriate agencies, staff, commissions, consultants, and nearby property owners.
- b. COVERAGE OF PRELIMINARY PLAT. The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider or condominium developer, except where:
 - i. The remainder of the area owned or controlled by the subdivider or condominium developer is included in a detailed neighborhood development plan adopted as a component of the City's comprehensive plan, and the subdivider or condominium developer demonstrates an intent to subdivide or develop according to that plan, or
 - ii. The previously submitted concept plan included all contiguous lands owned or controlled by the subdivider or condominium developer, and was of sufficient detail for the Plan Commission to clearly discern the subdivider's intent and the relationship of the proposed subdivision to surrounding properties.
- c. PUBLIC NOTICE.
 - i. Following submittal of the preliminary plat, the Neighborhood Planning Director shall direct the preparation of a written notice containing the following information:
 - a. The date that the subdivider or condominium developer filed a preliminary plat application with the Plan Commission.
 - b. A copy of the preliminary plat.
 - c. A map of the area adjacent to the platted land.
 - d. The date, time and location of the Plan Commission's hearing on the preliminary plat.
 - e. The proposed use of the land to be subdivided.
 - f. Contact information for the Neighborhood Planning Director, for further inquiry.
 - ii. The Neighborhood Planning Director shall direct the mailing of the notices to the owners of all City property within 150 feet of the proposed major subdivision as derived by City Assessor records. Such notice shall be sent by first class mail, not less than 15 days nor more than 30 days prior to the Plan Commission hearing on the preliminary plat. The notice is intended as a courtesy to neighboring property owners. Failure of a neighboring property owner to receive or accept the notice shall not invalidate any subsequent action taken by the Plan Commission with reference to the preliminary plat. The cost of mailing the notice shall be paid by the subdivider or developer prior to the Plan Commission hearing on the preliminary plat.

12.03 (2) Preliminary Plat Review Procedure (continued)

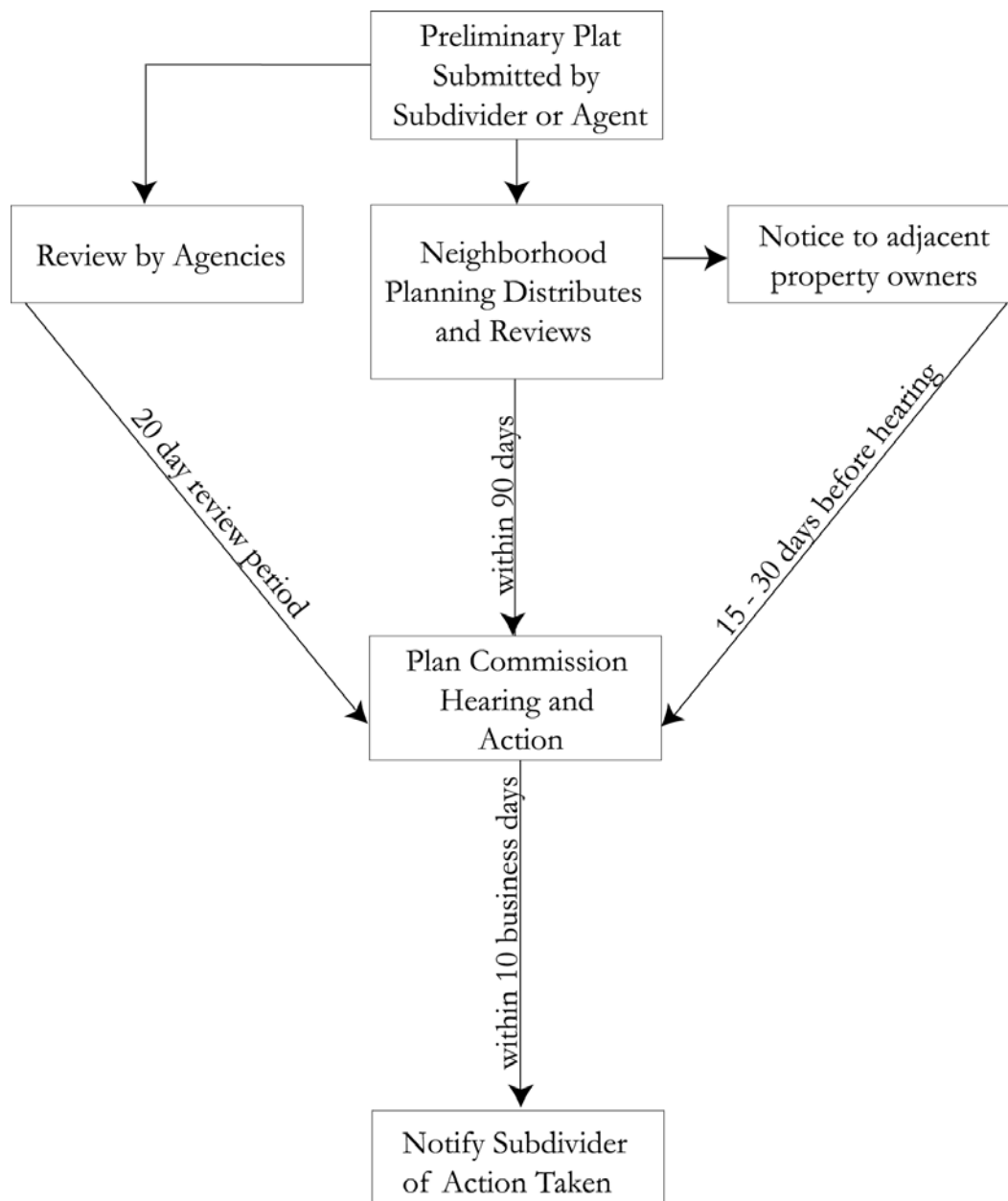
- d. REVIEW BY AGENCIES. The subdivider shall transmit an adequate number of copies of the preliminary plat to all reviewing agencies as required under Chapter 236, Wisconsin Statutes.
- e. PLAN COMMISSION ACTION. The Plan Commission shall hold a public hearing on the preliminary plat. The Plan Commission, at its earliest available scheduling, but no longer than 90 days from the date of filing of a complete application for a preliminary plat with the Neighborhood Planning Director, shall take action to approve, conditionally approve, or reject the preliminary plat. In the case of a rejection, the Plan Commission shall list reasons for said recommendation. The time period within which Plan Commission action is required shall not commence until the City has received all maps, plans, drawings, and related data necessary for review of the latest version of the preliminary plat. Failure of the Plan Commission to act within 90 days shall be interpreted as a recommended approval of the preliminary plat except where the 90-day period has been extended by written agreement of the subdivider or condominium developer.
- f. NOTIFICATION. The Neighborhood Planning Director shall notify the subdivider or condominium developer, in writing, of the Plan Commission action within 10 business days.
- g. EFFECT OF PRELIMINARY PLAT APPROVAL. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. If the final plat is submitted within 24 months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Wisconsin Statutes, Section 236.11(1)(b), the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and City Council at the time of its submission.
- h. COPIES TO UTILITY PROVIDERS. The subdivider or condominium developer shall provide a copy of the approved preliminary plat to all local utility providers (i.e. natural gas, telephone, cable television, telecommunications, water, and electric company) so that they may identify appropriate locations for facilities and easements.

12.03 (3) Preliminary Plat Requirements

The preliminary plat shall be submitted at a scale of not more than 100 feet to one inch, and shall show correctly on its face the information listed below in subparagraphs (a), (b) and (c). The City Engineer may waive one or more of the requirements in section 12.03(3) based on a formal written request from the subdivider or condominium developer. A request for an exception or waiver of requirements shall be submitted in writing by the subdivider or condominium developer when the preliminary plat is filed. The request shall state fully the reasons for the exception or waiver.

- a. DESCRIPTION.
 - i. Name of the proposed subdivision or condominium development.
 - ii. Name, address and telephone number of the owner, subdivider or condominium developer, engineer, land surveyor and land planner.
 - iii. Date, graphic scale, and north arrow.
 - iv. Location of the proposed subdivision or condominium development by government lot, quarter section, township, range and county.
 - v. Location map showing the relationship between the preliminary plat and surrounding area.
 - vi. Proposed number of lots, number of dwelling units if different, and land use types.
 - vii. A vicinity sketch or small scale drawing of the section and government subdivision in which the subdivision or condominium development lies, with its approximate location indicated.

Figure 2: Preliminary Plat Procedure



12.03 (3) Preliminary Plat Requirements (continued)

b. EXISTING CONDITIONS.

- i. Contours at verticals of not more than one foot for a slope less than 5% and two feet for a slope of 5% or more.
- ii. A scaled drawing of the exterior boundaries of the proposed subdivision or condominium development referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
- iii. Location of existing property lines, buildings, drives, streams and watercourses, dry runs, lakes, marshes, wetlands, floodplains, shoreland zoning areas, rock outcrops, environmental corridors, and other similar significant features within the parcel being subdivided.

12.03 (3) Preliminary Plat Requirements (continued)

- b. EXISTING CONDITIONS. (continued)
 - iv. The outer edges of all mature woodlands and parts of mature woodlands within the plat area, with mature woodlands defined in section 12.15, and the locations and specimens of all other trees with a diameter at breast height of 6 inches or more not located within a mature woodland.
 - v. Location, right-of-way width and names of any easements or rights-of-way for existing streets, alleys or other public ways, railroads and utilities within or adjacent to the proposed subdivision or condominium development.
 - vi. Type and width of any adjacent existing street pavements, together with any legally established centerline elevations for streets located outside the City limits.
 - vii. Water elevations of adjoining lakes, streams or drainage-ways at the date of the survey, and known or determined high and low water elevations and boundaries of the 100-year flood-fringe, flood-way, and/or general flood-plain.
 - viii. Subsurface soil, rock and water conditions including depth to bedrock and average depth to ground water table, based on the Rock County Soil Survey or more detailed sources where available. Where the Rock County Soil Survey indicates potential for groundwater less than 5 feet from the existing ground surface, the subdivider or condominium developer shall so note on the face of the preliminary plat and indicate the lots affected.
 - ix. Location, size and invert elevation of any existing sanitary and storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use in the development. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance to, and the size of those nearest and the invert elevations of sewers shall be indicated.
 - x. Location and names of adjacent subdivision or condominium developments, parks and cemeteries.
 - xi. Names and addresses of the owners of adjacent properties.
 - xii. Existing land use and zoning within 150 feet of the proposed subdivision or condominium development.
- c. PROPOSED IMPROVEMENTS.
 - i. Layout and scale dimensions of all lots and proposed lot and block numbers.
 - ii. Draft of proposed covenants (if any) to be imposed.
 - iii. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, greenways or other public uses.
 - iv. Location and approximate dimensions of any sites reserved for the private use of subdivision or condominium development residents and the conditions and terms of all applicable deed restrictions applying to these sites.
 - v. Location and approximate dimensions of any sites that are to be used for group housing, shopping centers, church sites or other non-public uses.
 - vi. Plans showing the proposed locations, dimensions, and names (as applicable) for streets, walkways, drainage-ways and public easements, including extensions for reasonable distance beyond the limits of the proposed subdivision or condominium development when requested.
 - vii. After consultation with City staff, proposed street tree type, location, and size.
 - viii. Any proposed building setback lines, buildable areas, or "build-to" lines.
 - ix. Tree protection and preservation plan pursuant to section 8.2 of the City zoning ordinance and 12.07 (18) of this chapter.
 - x. If lands are proposed to be dedicated for park and open space purposes, the results of a phase one environmental assessment indicating that such lands present no environmental hazard, and that they will not require environmental mitigation or remediation measures.
 - xi. Any data deemed necessary by the City Engineer to determine the adequacy of public facilities and services required under section 12.09(1).

12.04 Major Subdivision - Final Plat

12.04 (1) Final Plat Review Procedure

For all major subdivisions of land within the City and within the City's extraterritorial jurisdiction, the subdivider or condominium developer shall prepare a final plat and written application for approval of the plat. The subdivider shall file the application and 10 copies of the final plat with the Neighborhood Planning Director. The application and final plat shall include all data required by this section, including written confirmation that the subdivider or condominium developer submitted the approved preliminary plat to utility providers as required by subsection 12.03(2). Except as provided below, a final plat shall not be submitted prior to Plan Commission approval of the preliminary plat. The final plat shall be filed at least 30 days prior to the date of the Plan Commission meeting at which a recommendation is expected. In the case of condominium developments, a preliminary condominium plat that conforms to section 703.11 of the Wisconsin Statutes shall be processed as a final plat. (Amended, Ordinance #2992, 05-20-2002; and Amended, Ordinance #3051, 02-18-2003)

- a. **COVERAGE OF FINAL PLAT.** The final plat shall include the entire area owned or controlled by the subdivider, condominium developer or association, within the phase of development for which final approval is sought.
- b. **SUBMITTAL OF COVENANTS AND DEED RESTRICTIONS.** The subdivider or condominium developer shall submit any protective or restrictive covenants or deed restrictions pertaining to lot and street dimensions or other physical design specifications that may attach to the property being subdivided.
- c. **REVIEW BY AGENCIES.** The Neighborhood Planning Director shall transmit an adequate number of copies to the Plan Commission; and copies to all affected City boards, commissions or departments, for their review and recommendations concerning matters within their jurisdiction. For the final plat, the subdivider shall be responsible for obtaining approval of the final plat by the state of Wisconsin, in accordance with Section 236.12, Wisconsin Statutes.
- d. **PLAN COMMISSION RECOMMENDATION.** Within 60 days of receiving a complete application for final plat approval and all associated documents, the Plan Commission shall recommend approval, denial or approval with conditions of the final plat and transmit that recommendation to the City Council. Such review period may be extended by written agreement of the subdivider or condominium developer. The Neighborhood Planning Director shall forward the final plat to the City Council without a recommendation from the Plan Commission in the event that the Commission fails to act within said review period.
- e. **CITY COUNCIL ACTION.** The City Council shall, at its earliest available scheduling, but no longer than 90 days from the date submitted, approve, approve conditionally or reject the final plat based on its determination of conformance with the intent and provisions of this chapter, all related plans and ordinances, and recommendations of appropriate City committees and commissions. If the final plat meets the requirements of this chapter, has been submitted within 24 months from the approval date of the preliminary plat, substantially conforms to the approved preliminary plat, and meets all conditions of preliminary plat approval, the council shall approve the final plat. The final plat is considered filed when the City has received all maps, plans, drawings and related data necessary for plat review of the latest version of the final plat as outlined herein. Such time may be extended by written agreement of the subdivider or condominium developer. If the City Council fails to act within 90 days, the period of time has not been extended by agreement, and no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and upon demand, a certificate to that effect shall be made on the face of the plat by the City Clerk.

12.04 (1) Final Plat Review Procedure (continued)

- f. **DEVELOPMENT AGREEMENT REQUIRED.** Upon the filing of a final plat, the subdivider or condominium developer and City shall begin negotiations on a development agreement specifying responsibilities of both parties, as described in greater detail in sections 3.11(1)h and 12.09(3). Prior to approval of the final plat by the City Council, the subdivider or condominium developer and City shall be in substantial agreement as to the terms of the development agreement. City Council approval shall be conditioned upon the execution of the development agreement. Prior to City signing and recording of the final plat, the development agreement shall be signed by both parties and all conditions of final plat approval shall be satisfied to the extent possible. Prior to the signing of said agreement by the City Manager and the City Clerk, the subdivider or condominium developer shall pay the City all required fees, charges and deposits, and provide any required performance guarantees, except as otherwise provided for in the development agreement.
- g. **RECORDING OF FINAL PLAT.** The surveyor shall record a copy of the approved final plat with the register of deeds, but only after certificates of the state of Wisconsin, City Council, surveyors, and others required by Section 236.21, Wisconsin Statutes are placed on the face of the plat.

12.04 (2) Final Plat Requirements

The final plat shall meet all technical requirements of Chapter 236, Wisconsin Statutes. In addition, the subdivider or condominium developer shall furnish the following information with the final plat:

- a. If the final plat or condominium plat contains private road(s), the following note shall be added to the plat:

NOTICE OF POSSIBLE LIMITATION OF PUBLIC SERVICES

THIS PLAT, CONTAINS PRIVATE ROAD(S), AND AS A RESULT, CERTAIN PUBLIC SERVICES MAY BE LIMITED. THE EXTENT OF THESE LIMITATIONS MAY BE SPELLED OUT IN A DOCUMENT CALLED A DEVELOPMENT AGREEMENT WHICH DIRECTLY RELATES TO THIS PLAT AND IS FILED AS A PUBLIC DOCUMENT IN THE OFFICES OF BOTH THE BELOIT CITY CLERK AND THE CITY ENGINEER FOR THE CITY OF BELOIT.

- b. A duplicate reproducible copy of the approved and recorded plat on dimensionally stable polyester film (mylar), a digital format to be determined by the City Engineer.
- c. Engineering design plans to be approved by the City Engineer prior to the installation of public improvements within the plat area. The plans shall indicate all public improvements required under section 12.09 (4). Final engineering design plans shall be submitted and approved by the City Engineer prior to signing of the certificates on the final plat by the City for recording of the final plat.

12.05 Minor Subdivisions

12.05 (1) Minor Subdivisions Procedure (Amended, Ordinance #2992, 05-20-2002)

- a. APPLICATION. For all minor subdivisions of land within the City or within the City's extraterritorial jurisdiction, the subdivider shall file an application for approval of a minor subdivision with the Neighborhood Planning Director, along with one copy of the proposed minor subdivision. The submittal shall include all data required by this section. A minor subdivision shall not be approved prior to Plan Commission review of the site assessment checklist, except as exempted under Sections 12.02(1) and 12.02(4). The proposed minor subdivision shall be filed at least 21 days prior to the date of the Plan Commission meeting at which a decision or recommendation is expected.
- b. FINAL DECISIONS TO BE MADE BY PLAN COMMISSION. The Plan Commission shall, within not less than 21 days nor more than 60 days from the date a complete application is submitted, approve, conditionally approve or reject any minor subdivision of land located within the City's extraterritorial jurisdiction or minor subdivision of land within the corporate limits of the City where there is no dedication of land to the City. Conditions of approval or reasons for rejection shall be stated in writing. The Plan Commission's determination shall not conflict with the provisions of this chapter or other ordinances, or recommendations of other City committees and commissions which have reviewed the subdivision plans. In all cases, the time period within which Plan Commission action is required shall not commence until the City has received all maps, plans, drawings and other data necessary for review of the latest version of the minor subdivision. Such time may be extended by written agreement of the subdivider. If the Plan Commission fails to act within the 60-day period and the time for review has not been extended by written agreement of the subdivider, the minor subdivision shall be deemed approved. A certificate to that effect shall be made on the face of the minor subdivision document by the Neighborhood Planning Director upon demand for such certification by the subdivider.
- c. RECOMMENDATIONS TO BE MADE BY PLAN COMMISSION. The Plan Commission shall, within not less than 21 days nor more than 60 days after the date the application for approval of the minor subdivision is submitted, recommend to the City Council approval, conditional approval or rejection of a minor subdivision that involves the dedication of public lands within the City's corporate limits. Such recommendation shall not conflict with the provisions of this chapter or other ordinances or recommendations of other City committees and commissions which have reviewed the subdivision plans. All minor subdivisions proposing to dedicate land for park and open space purposes shall be accompanied by a phase one environmental assessment indicating that such lands present no environmental hazard, and that they will not require environmental mitigation or remediation measures. Said environmental assessment shall be produced at the subdivider's expense. In all cases, the time period within which the Plan Commission recommendation is required shall not commence until the City has received all maps, plans, drawings and other data necessary for review of the latest version of the minor subdivision. Such time may be extended by written agreement of the subdivider. If the Plan Commission fails to act within the 60-day period, and the time for such action has not been extended by written agreement of the subdivider, then the Neighborhood Planning Director shall forward the minor subdivision to the City Council without a recommendation from the Plan Commission.

12.05 (1) Minor Subdivisions Procedure (continued)

- d. **FINAL DECISIONS TO BE MADE BY THE CITY COUNCIL.** Where a minor subdivision proposes the dedication of public lands within the City's corporate limits, the City Council shall, within 90 days from the date that the application for approval of the minor subdivision was filed, approve, conditionally approve or reject the minor subdivision. Conditions of approval or reasons for rejection shall be stated in writing. If the City Council fails to act within the 90-day period, the period of time has not been extended by written agreement with the subdivider, and no unsatisfied objections have been filed within that period, the minor subdivision shall be deemed approved. Upon demand of the subdivider, the City Clerk shall certify that the minor subdivision plat has been approved.
- e. **DEVELOPMENT AGREEMENT.** Upon a recommendation by the City Engineer, the City Council may require the execution of a development agreement for a minor subdivision involving significant public improvements.
- f. **RECORDING OF MINOR SUBDIVISION.** The surveyor shall record a copy of the approved minor subdivision with the register of deeds, but only after:
 - i. Certificates of the appropriate approving authority, the surveyor, and any other certification required by Section 236.21, 703.11 or any other applicable section of the Wisconsin Statutes are placed on the face of the minor subdivision document.
 - ii. All conditions of approval have been satisfied.
- g. **UPON RECORDATION BY THE SUBDIVIDER,** 2 copies of the recorded document shall be furnished to the Neighborhood Planning Director along with a digital copy in the format determined by the City Engineer.

12.05 (2) Minor Subdivision Requirements (Amended, Ordinance #2992, 05-20-2002)

- a. A certified survey map (CSM) shall be prepared by a registered land surveyor and shall comply with the provisions of Section 236.34, Wisconsin Statutes, and of this section. A condominium plat shall comply with section 703.11, Wisconsin Statutes.
- b. A certified survey map or condominium plat shall comply with all design standards, required improvements, and general provisions of this section.
- c. A certificate of approval shall be placed on one sheet of the CSM or condominium plat.
- d. If a minor subdivision contains private roads, the following note shall be added to the document:

NOTICE OF POSSIBLE LIMITATION OF PUBLIC SERVICES:

THIS CERTIFIED SURVEY MAP CONTAINS PRIVATE ROAD(S), AND, AS A RESULT, CERTAIN PUBLIC SERVICES MAY BE LIMITED. THE EXTENT OF THESE LIMITATIONS MAY BE SPELLED OUT IN A DOCUMENT CALLED A DEVELOPMENT AGREEMENT WHICH DIRECTLY RELATES TO THIS DOCUMENT AND IS FILED AS A PUBLIC DOCUMENT IN THE OFFICES OF BOTH THE BELOIT CITY CLERK AND THE CITY ENGINEER FOR THE CITY OF BELOIT.

- e. Parkland dedication, monies in lieu of parkland dedication and park improvement fees shall not be required where the minor subdivision does not result in the addition of any new buildable residential lots or new dwellings units.
- f. Failure to record the minor subdivision document within one year of its approval by the Plan Commission or City Council will result in the voiding of the approval.

12.06 Extraterritorial Subdivisions and Condominium Developments

12.06 (1) Authority

The City's authority to approve subdivision and condominium development plats within its extraterritorial jurisdiction is granted by section 236.45(3) and Chapter 703 Wisconsin Statutes. To the extent permitted by law the procedures described in sections 12.01 through 12.05 shall apply to land divisions in the City's extraterritorial jurisdiction.

12.06 (2) Extraterritorial Subdivision and Condominium Development Policies

The following policy shall govern the City's approval and regulation of major and minor subdivisions, and condominium plats within the City's extraterritorial jurisdiction.

- a. The City will attempt to seek consistency with locally adopted town plans. To the extent that the adopted plans and policies of the City are more restrictive, the City's plans and policies shall prevail with respect to City review of extraterritorial subdivisions and condominium plats to the extent allowed by law.
- b. All major and minor subdivisions, as well as all condominium developments, within Beloit's designated sanitary sewer service area shall be subject to the land reservation or dedication requirements of this chapter. This specifically means the following:
 - i. All parklands proposed in adopted elements of the City's comprehensive plan shall be reserved or dedicated to the extent allowed under this chapter.
 - ii. Any waterway or storm water management area identified on the City comprehensive plan or official map shall be dedicated or located within a drainage easement in conformance with requirements of this chapter. (See also Section 12.11 (8).)
 - iii. Any lands falling within the limits of an environmental corridor, as mapped by the Wisconsin Department of Natural Resources, Rock County or the City, will be required to be dedicated or located within a recorded open space or conservation easement.
- c. All subdivision and condominium developments within the City's extraterritorial jurisdiction shall be required to follow erosion control plans in compliance with any City-adopted storm water and erosion control ordinances to the extent allowed by law, or town or county ordinances where at least as restrictive as comparable City ordinances.
- d. All subdivision and condominium developments within the extraterritorial jurisdiction shall pay City-required review fees contained in this chapter.
- e. All subdivision and condominium developments located within the City's extraterritorial jurisdiction shall be designed to be served by City sanitary sewer in the future.

12.06 (3) Disclosure

No person shall sell any parcel of land of one acre or less in size within the City's extraterritorial jurisdiction, if it abuts a road that has not been accepted as a public road unless the seller informs the purchaser of that fact in writing, and it is understood that the town or county are not obligated to maintain it.

12.07 Design Standards

12.07 (1) Street Arrangement

In any new subdivision, or condominium development, the layout of public streets, bikeways, and pedestrian paths shall substantially conform to the arrangement and location indicated on the official map, comprehensive plan, or component neighborhood development plan. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, the topography, such natural features as streams and trees, the future land to be served by such streets, and the most advantageous development of adjoining areas. The functional classification of various types of streets within and adjacent to subdivision or condominium development shall be determined by the City Engineer based on the following criteria:

- a. Arterial streets shall be arranged to provide for through traffic and ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation areas, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways, and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- b. Collector streets shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to arterial streets, major collector streets and highways. Collector streets should also connect to special traffic generators such as schools, churches, and shopping centers and other concentrations of population.
- c. Subcollector streets shall be arranged to direct traffic from minor streets within a subdivision or condominium development to the arterial and collector street network. Subcollector streets shall also be designed to provide connectivity between adjoining subdivision or condominium developments and to neighborhood facilities such as parks and schools.
- d. Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems, and require the minimum street area necessary to provide safe and convenient access to abutting property. Not every street within a subdivision or condominium development is necessarily a minor street.

12.07 (2) Alleys

Alleys may be provided in commercial and industrial districts for off-street loading and service access. Dead-end alleys without a proper turn-around shall not be approved, and alleys shall not connect to an arterial street. Alleys may be provided in traditional neighborhood development districts to service garages and for refuse collection. All alleys must be paved with hard surfacing to the specifications of the City Engineer.

12.07 (3) Street Extensions

Proposed street rights-of-way shall extend to the boundary lines of the tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the appropriate City approval authority, such extension is not necessary or desirable for the coordination of the layout of the subdivision or condominium development or for the advantageous development of the adjacent tracts.

12.07 (4) Street Names

Street names shall not duplicate or be similar to existing street names in the City of Beloit or within its extraterritorial jurisdiction, except that streets that are continuations of others already in existence and named shall bear the name of the existing street. The City Council of the City of Beloit hereby reserves to itself the exclusive right to name all streets within the city limits of the City of Beloit. This authority may not be delegated and shall apply to the naming of new streets, or the renaming of existing streets whether in plats, plat amendments or otherwise.

- a. PROHIBITIONS. No street shall be named except by resolution of the City Council of the City of Beloit. No advertisement, representation nor solicitation shall state or imply the granting of the right to name or rename a street. No final plat shall be submitted for approval, nor shall any amendment thereto be made assigning or changing street names pursuant to section 236.295, Wisconsin Statutes, without the party responsible for said plat or amendment complying with the application procedures herein.
- b. PROCEDURES. Any person preparing or amending a plat or certified survey map that includes a public street or otherwise desirous of renaming an existing street or naming a new street or a street not previously named shall make application therefore to the City of Beloit. If a preliminary plat is required by this chapter, all street names shall be proposed on the face of the plat. The City may initiate said application for street naming on its own, should the City determine the need to name or rename a street. Said applications shall be in written form and be submitted to the Director of Neighborhood Planning. Except where street naming occurs through the platting or certified survey map process, all applications shall contain the following information:
 - i. The proposed street name.
 - ii. A clear and concise map of the street to be named, provided further that the City may require an engineering drawing or survey locating the proposed street to be named.
 - iii. A narrative statement addressing each of the standards contained in subsection (d) below.
 - iv. Any application for the renaming of an existing street shall include proof satisfactory to the City that the applicant has made diligent efforts to notify all persons or entities owning or having any tenancy interest in the property whose address would change. The applicant may provide said proof in the way of affidavit, US postal return receipts or proof of publication or combination thereof and may attempt to provide notice by door to door canvassing and posting, registered mailings, newspaper publications or any combination thereof or any other means likely to provide actual notice. No such application shall be processed until the applicant has satisfied the City that at least 90 percent of all the persons or entities affected have received actual notice.
- c. DETERMINATION. The Director of Neighborhood Planning shall review said proposal for street naming consistent with the standards contained in subsection (d) below, and shall also make a determination as to whether the proposed name or a similar name is already in use, and shall forward its recommendations and determinations to the Plan Commission. Except where street naming occurs through the platting or certified survey map process, the Plan Commission shall set the matter on its agenda for public hearing and shall make its recommendations in the form of a report to the City Council taking into consideration the standards contained in subsection (d) below. For subdivision plats and certified survey maps including new public street dedications, street naming shall instead be established through the platting or certified survey mapping processes. City Council approval of a final plat or certified survey map including proposed street names shall constitute City Council approval of said street names.

12.07 (4) Street Names (continued)

- d. STANDARDS. The following matters shall be considered and addressed in regard to the proposed naming of any street:
 - i. Any notable geologic, geographic, cultural, biographical, historical, botanical, horticultural, scientific or other factors or events associated with the area served by the street.
 - ii. The appropriateness of honoring or showing gratitude to a person, group or event deserving of recognition within the local community served by the street or the greater Beloit region.
 - iii. The desirability of maintaining a single name for the entire length of any particular street.
 - iv. The potential impact and inconvenience upon residents of an existing street whose name is proposed to be changed.
 - v. Existing street names shall be projected wherever possible.

12.07 (5) Railroads, Highways and Arterial Street Protection

Whenever a proposed subdivision or condominium development contains or is adjacent to an arterial street, limited access highway, or railroad right-of-way, the following standards may be applicable:

- a. Where lots within the proposed subdivision or condominium development back upon the right-of-way of an existing or proposed arterial street, limited access highway, or railroad right-of-way, a landscape buffer strip of at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the arterial street, railroad right-of-way, or limited access highway. The treatment within this landscape strip shall be unified along the entire frontage in accordance with a landscape plan prepared by the subdivider or condominium developer and approved by the City. This strip shall be a permanently reserved part of the platted lots and shall be designated on the plat as follows:

“THIS LANDSCAPE BUFFER STRIP IS RESERVED FOR THE PLANTING OF TREES AND SHRUBS BY THE SUBDIVIDER OR CONDOMINIUM DEVELOPER. THE PLACEMENT OF STRUCTURES HEREON IS PROHIBITED. MAINTENANCE OF ALL LANDSCAPING WITHIN THIS BUFFER STRIP SHALL BE THE ONGOING RESPONSIBILITY OF THE RESPECTIVE LOT OWNER.”
- b. To prevent multiple driveway openings onto an arterial street or limited access highway, the Plan Commission, at its discretion may require subdividers within commercial and industrial districts to provide marginal access or service streets including those that are approximately parallel to, and at a suitable distance from, such arterial streets and highways. Marginal access streets and service drives may be required to facilitate the free flow of traffic along arterial streets and highways, and to encourage the appropriate use of the land between same. Such streets may be required on each side of a limited access arterial street or highway or railroad.
- c. Streets parallel to a limited access arterial street or highway, when intersecting another arterial street or highway or a collector street which crosses the highway, shall be located at a minimum distance of 200 feet from the limited access arterial highway right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients. The subdivision plat, condominium plat, or CSM shall include a restriction against private driveways within this 200-foot area.
- d. Minor streets running generally parallel and immediately adjacent to arterial streets and highways shall be avoided in residential areas.

12.07 (6) Street Dimensional Standards

The minimum right-of-way width, roadway width, sidewalk requirements, and parking requirements for all proposed public streets shall be as specified in the following table. If the City's official map or components of the City's or metropolitan planning organization's comprehensive plan, transportation plan, or bikeways plan, provide for alternative requirements (such as an on-street bicycle lane) the City Engineer may substitute the alternative requirements for those listed in the table below.

- a. Extension of existing streets (that exceed the above standards) shall be developed to conform to the existing street dimension or taper to the dimensions noted in Table 1, as determined by the City Engineer.
- b. Cross-sections for freeways, expressways, parkways, and boulevard streets shall be based upon detailed engineering studies.
- c. Cul-de-sac streets designated to have one end permanently closed shall not exceed 600 feet in length measured from the centerline of the intersecting street up to, but not including, the cul-de-sac bulb. All cul-de-sac streets designated to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 40 feet. All cul-de-sacs shall be designed to accommodate snow storage and removal per the direction of the City Engineer.
- d. Where on-street bike lanes are required, the width of each bike lane shall not be less than 4 feet, not including the gutter section. Such width shall be in addition to the width required by Table 1. Placement of bike lanes shall be in accordance with the AASHTO Guide for the Development of Bicycle Facilities.

Table 1: Minimum Public Street Design Requirements

Type of Street	Right-of-way width (feet)	Street width, curb-face to curb face (feet)	Sidewalks Required ¹	On-Street Parking Allowed?
Arterial Street	100	52	Yes, both sides	No
Collector Street	70	38	Yes, both sides	Determined on a case-by-case basis
Subcollector Street	66	38	Yes, both sides	Yes, both sides
Minor Street— 2 side parking	66	36	Yes, at least one side ³	Yes, both sides
Minor Street— 1 side parking	60	30	Yes, at least one side ³	Yes, one side ²
Cul-de-sac	60	30 if one side parking	Yes, at least one side if over 400 feet in length ³	Yes, one side ²
Alley	16	12	No	No

NOTES:

¹ All sidewalks shall be concrete and five feet in width.

² One sided parking shall be located on the south and east sides of the street unless otherwise determined by the City Engineer.

³ One-sided sidewalks shall be located on the north and west sides of streets unless otherwise determined by the City Engineer.

(Table 1; Amended, Ordinance #3051, 02-18-2003)

12.07 (7) Street Grades

Street grades shall be established to avoid excessive grading, the indiscriminate removal of ground cover and trees, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for an arterial street, and half this minimum for all other streets. The minimum centerline grade of all streets shall in no case be less than 0.5%. Unless necessitated by exceptional topography subject to the approval of the City Engineer, the maximum centerline grade of any street or public way shall not exceed the following:

- a. Arterial streets, 6%.
- b. Collector and Neighborhood Connector streets, 8%.
- c. Minor streets, alley and frontage streets, 10%.
- d. Pedestrian ways, 12% unless steps of acceptable design are provided.
- e. Off-street bicycle lanes, 6% except steeper grades may be allowed for shorter distances.

12.07 (8) Street Radii of Curvature

When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than 300 feet for arterial and collector streets, and 100 feet for minor streets. A tangent of at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

12.07 (9) Half-Streets

Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider or condominium developer. The platting of half-streets shall be avoided unless absolutely necessary.

12.07 (10) Street Intersections

- a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- b. Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- c. The distance between intersections along arterial streets and highways shall not be less than 400 feet, as measured from centerline to centerline.
- d. Property lines at street intersections shall approximate a 90-degree angle to the maximum extent practicable unless an alternative treatment is considered acceptable by the City Engineer.
- e. Minor and neighborhood connector streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major street from opposite sides within 300 feet of each other as measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the arterial or collector street is continuous and a jog is avoided.

12.07 (11) Multiuse Paths and Walkways

The minimum width of a right-of-way or easement for a multiuse path shall be 20 feet, with a minimum pavement width of 10 feet. The minimum width of a right-of-way or easement for a pedestrian-only walkway shall be 10 feet, with a minimum surface width of 5 feet. The substitution of a multi-use path or walkway for a sidewalk, as required in Table 1, may be approved at the discretion of the Neighborhood Planning Director and City Engineer where it can be demonstrated that such provision will both better meet the needs of subdivision or condominium development residents and is consistent with the City's park and open space and/or bikeways plans.

12.07 (12) Sidewalks

All sidewalks shall be at least 5 feet in width and constructed of concrete. All sidewalks shall be separated from the paved street surface by a minimum 6-foot wide grassed terrace. Sidewalks shall be located 12 to 18 inches inside the right-of-way line unless an alternative location is considered appropriate by the City Engineer.

12.07 (13) Blocks

- a. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography:
- b. Blocks in residential areas shall not be less than 400 feet nor more than 1,200 feet in length, unless otherwise dictated by exceptional topography or other limiting factors of good design.
- c. Mid-block multi-use paths or walkways may be required near the center and entirely across any block over 900 feet in length where deemed appropriate by the appropriate City approval authority to provide adequate pedestrian circulation or access to parks, schools, shopping centers, churches or transportation facilities.
- d. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.

12.07 (14) Lots

- a. The size, shape, and orientation of lots or condominium building sites shall be appropriate for the location of the subdivision or condominium development and for the type and intensity of development and use contemplated in the City's comprehensive plan and zoning ordinance. The lots or condominium sites should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- b. Side lot lines shall be at or near right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines and zoning district boundaries rather than cross them.
- c. Double frontage and reverse frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- d. Every lot or record shall front or abut for a distance of at least 40 feet on a public street.

12.07 (14) Lots (continued)

- e. Area and width of lots shall conform to the requirements of the zoning ordinance. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow re-subdivisions of any such parcels into smaller lots.
- f. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 shall be considered a desirable ratio under normal conditions. Depth of lots reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and zoning.
- g. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision or condominium development and the water's edge shall be included as part of lots, out lots or public dedications in any plat abutting a lake, river or stream.
- h. Flag lots, as defined in section 12.15, shall be prohibited within the City limits, except where pre-existing lot or development patterns necessitates use of a flag lot. Flag lots shall be discouraged within the extraterritorial jurisdiction.

12.07 (15) Utility Easements

The Plan Commission may require utility easements of a minimum of 10 feet in width where necessary or advisable for electric power and communication wires and conduits; storm and sanitary sewers; and gas, water and other utility lines. Where side or rear lot lines within a subdivision or condominium development abut one another, the subdivision or condominium development may provide easements of 5 feet in width on abutting lot lines to form the 10 foot minimum.

12.07 (16) Drainage Easements

Where a subdivision or condominium development is traversed by a watercourse, drainage-way channel or stream, an adequate drainage-way easement or dedication shall be provided. The location, width, alignment and improvement of such drainage-way easement or dedication shall be subject to the approval of the City Engineer. Access to drainage easements shall be 20 feet wide and spaced every half mile. (See also Subsection 12.11(8)).

12.07 (17) Parks and Open Spaces

Subdivisions and condominium developments shall include parks and open spaces if required under section 12.11(1).

12.07 (18) Tree Preservation and Replacement

- a. TREE PROTECTION AND PRESERVATION PLAN. Where a proposed major subdivision or condominium development includes a mature woodland, as defined in section 12.15, or trees of six inches or greater in diameter at breast height outside of a mature woodland, the subdivider shall prepare a Tree Protection and Preservation Plan. The Plan shall indicate the outlines of said mature woodlands and the location of said trees outside of woodlands. The Plan shall also include specific strategies to preserve native, non-invasive trees to the extent practical during general grading and installation of public improvements within the proposed subdivision or condominium development.

12.07 (18) Tree Preservation and Replacement (continued)

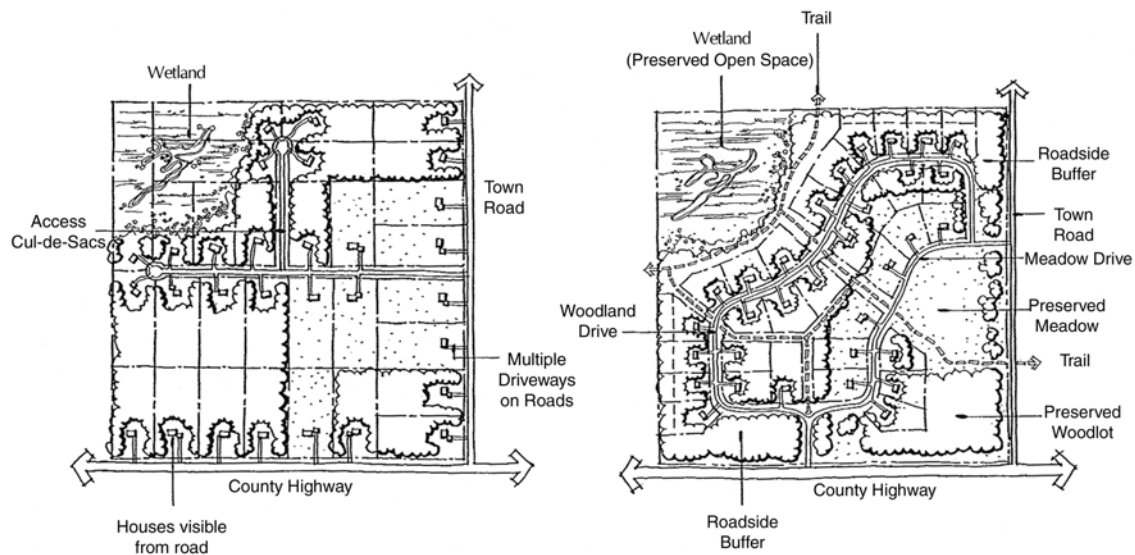
- b. **MATURE WOODLAND PRESERVATION STANDARD.** If more than 40% of the canopy area of a mature woodland or part of a mature woodland within the area of a subdivision plat or condominium development is proposed for removal during the general grading and installation of public improvements for the subdivision, the Tree Protection and Preservation Plan shall include a plan for additional tree plantings within the plat area to compensate, on an acre-for-acre basis, for all acreage of mature woodlands proposed for removal above the 40% removal threshold.
- c. **ISOLATED MATURE TREE PRESERVATION STANDARD.** The tree preservation standards of section 8.2 of the zoning ordinance shall apply to trees of six inches or greater in diameter at breast height outside a mature woodland during the general grading and installation of public improvements of a subdivision, unless such trees are of an invasive, non-native species.
- d. **LIMITATIONS.** In no case shall the woodland and tree preservation standards of sections 12.07 (18) or 8.2 apply to tree removal necessary for the placement of single family or two-family residences on lots or to the ongoing maintenance of such lots.

12.08 Design Standards For Cluster Developments

12.08 (1) Description

A cluster development is a residential subdivision or condominium development in which the lots are allowed to be smaller (in area and width) than otherwise required, but in which the overall (gross) density cannot exceed the maximum density limits for the underlying zoning district. Under the cluster development option, a subdivision or condominium development can contain no more lots than would otherwise be allowed in a conventional subdivision or condominium development in the same zoning district. Smaller lot sizes within a cluster subdivision or condominium development allow for a corresponding increase in common open space.

Figure 3: Conventional Subdivision (left) as Compared to Cluster/Conservation Subdivision (right).



12.08 (2) Purpose

The intent of a cluster development is to provide for, and in some instances require, a more compact residential development pattern that encourages sensitivity toward natural landscape features, preserves open space, and offers economies in the provision of utilities and public services.

12.08 (3) Where Allowed

Cluster developments are allowed in all zoning districts in which residential development is allowed.

12.08 (4) Lot Size

The minimum and maximum lot sizes within a cluster subdivision shall be 6000 square feet and 2 acres respectively. The aggregate number and sizes of lots must be adequate to meet all required density limits as established in the respective zoning district in which the cluster development is located.

12.08 (5) Approval Procedure

Approval of cluster subdivision or condominium development shall follow the general procedures for subdivisions described in sections 12.03, 12.04, 12.05, and 12.06 of this ordinance except that the Plan Commission may approve waivers and exceptions to such requirements as provided in section 12.13 of this chapter.

12.08 (6) Open Space Requirements

- a. **MINIMUM REQUIREMENT.** Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district. Common open space must be provided in an amount at least equal to the difference between the actual average lot area per dwelling unit within the cluster development and the required lot area per dwelling unit for conventional development within the underlying zoning district. Such common open space shall be in addition to the park and open space dedication requirements in section 12.11 of this chapter.
- b. **USE OF COMMON OPEN SPACE.** Common open space must be set aside and designated as an area where no development will occur other than project-related recreational amenities or passive open space areas. The City may require that up to 50% of required open space must be usable open space to ensure adequate recreational amenities for residents of the development.
- c. **MAINTENANCE OF COMMON OPEN SPACE.** If common open space is to be held in private ownership, the City shall require the placement of a conservation easement or deed restriction on said lands. The City shall also require assurances that a property owner's association, non-profit land trust, appropriate government agency, or other responsible party will maintain the common open space in perpetuity.

12.09 Required Improvements

12.09 (1) Determination of Adequacy of Public Facilities and Services

- a. A certified survey map, preliminary plat, condominium plat or final plat within the City or within the City's extraterritorial jurisdiction shall not be approved unless adequate public facilities and public services are available to meet the needs of the future inhabitants of the proposed subdivision or condominium development.
- b. With or following the submittal of any preliminary plat, condominium plat, final plat or certified survey map, the applicant shall furnish any data requested by the City Engineer who shall transmit this information to appropriate City commissions, committees, and boards for review and shall act as coordinator for their reports to the appropriate City approval authority on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the preliminary plat, condominium plat, final plat or certified survey map.
- c. Public facilities and public services for a proposed subdivision or condominium development shall be found to be adequate by the City when the following conditions exist:
 - i. Where the proposed subdivision or condominium development is located within the City's sanitary sewer service area, and main line interceptor sewer service is presently available to the subdivision or condominium development area, or is designated by the City Council for extension and the subdivision or condominium development is proposed to connect with such sanitary sewer service, the appropriate City approval authority shall also consider the recommendations of the City Engineer on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - ii. Where the proposed subdivision or condominium development is not located within the sanitary sewer service area, other acceptable means of waste disposal are provided which will protect the public health, safety and welfare.
 - iii. Where the proposed subdivision or condominium development is located within the City's sanitary sewer service area and will be serviced by public water service with adequate capacity for the proposed subdivision or condominium development, or the water distribution system that is needed is under construction or scheduled for construction. The appropriate City approval authority shall consider the recommendations of the City Engineer or water utility on water line capacities, water sources and storage facilities and any other information presented. The applicant may be required to provide an affidavit signed by the water system provider if public water service will not be available to the proposed subdivision or condominium development. In such case, the provisions of subsection d. below shall apply.
 - iv. Where the proposed subdivision or condominium development is not located within a sanitary sewer service area, or where the public water provider has indicated in writing that public water service will not be provided to the subdivision or condominium development, other acceptable means of water service are provided which adequately protect the public health, safety and welfare.
 - v. The City Engineer recommends to the appropriate City approval authority that adequate facilities are available to insure proper storm water management.
 - vi. The City Parks, Recreation and Conservation Advisory Commission recommends that future residents of the proposed subdivision or condominium development can be assured park, recreation and open space areas, facilities and services which meet the standards of the City's park and open space plan.

12.09 (1) Determination of Adequacy of Public Facilities and Services (continued)

- vii. The City police and fire departments verify that timely and adequate service can be provided to the future residents and buildings.
- viii. The proposed subdivision or condominium development is accessible by existing publicly maintained, all weather roads that are adequate to accommodate both existing traffic and new traffic to be generated by the subdivision or condominium development or necessary additional roads and road improvements are budgeted for construction with public or private financing. The appropriate City approval authority shall consider recommendations of other consenting agencies and jurisdictions, and such factors as levels of service, average peak use, and any other information presented.
- d. Where the appropriate City approval authority determines that one or more public facilities or services are not adequate for the proposed subdivision or condominium development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

12.09 (2) Policies within Sewer Service Area

No preliminary plat, condominium plat, final plat or certified survey map shall be approved by the City unless:

- a. The subdivider or condominium developer provides evidence that all proposed parcels within the City sanitary sewer service area will be served with sanitary sewer, or
- b. The City allows the phased future provision of sanitary sewer to newly created parcels within both the extraterritorial jurisdiction and the Beloit sanitary sewer service area, provided that a binding agreement for phased sewer service is executed among the subdivider or condominium developer, property owner, and City at the time of subdivision or condominium development approval and made a condition of approval by the City. The agreement and associated utility plans shall demonstrate how and when sanitary sewer and water service will be provided to the newly created parcels. The City shall not extend sanitary sewer service to properties located outside of the City's corporate limits, except as otherwise provided through written intergovernmental agreements.

12.09 (3) Development Agreement

After the approval of any final plat located within the corporate limits of the City, the subdivider or condominium developer shall install all public improvements as hereinafter provided. Before the recording of any final plat located within the corporate limits of the City (and CSMs for certain minor subdivisions at the discretion of the City Engineer) the subdivider or condominium developer and the City shall enter into a development agreement, which stipulates to the improvements required by the City. The following shall also be required within or simultaneous to the execution of a development agreement:

- a. The subdivider or condominium developer shall file with said contract, subject to the approval of the City Attorney, a bond, certificate of deposit, irrevocable letter of credit, certified check or other security in an amount equal to 110% of the cost of improvements required to serve the subdivision or condominium development, as estimated by the City Engineer.
- b. All required improvements shall be completed by the subdivider or condominium developer or his contractors not later than 18 months from the date of City approval of the engineering plans and specifications for the subdivision or condominium development, unless otherwise specified in the development agreement.

12.09 (3) Development Agreement (continued)

- c. As a further guarantee that all obligations for work on improvements are satisfied, the contractor and sub-contractors who are selected to construct utilities and street improvements on dedicated street rights-of-way shall be listed as qualified for such work by the City Engineer.
- d. The development agreement shall also require the subdivider or condominium developer to pay all outstanding assessments for public improvements previously installed and all area charges for sanitary sewer and water mains, force mains, pumping stations, and regional storm water facilities previously installed by the City.
- e. The development agreement shall also establish minimum insurance requirements for the subdivider or condominium developer and its subcontractors.
- f. All required public improvements shall be constructed to City standards.

12.09 (4) Range of Required Improvements

The following set of improvements shall be constructed within subdivisions or condominium developments within the corporate limits of the City, to the specifications provided below. The City Engineer will use the most recent editions and addenda of the following publications in the development and distribution of detailed improvement standards: State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction, Standard Specifications for Sewer and Water Construction in Wisconsin (prepared by the Public Works Industry Improvement Program), AASHTO Guide for the Development of Bicycle Facilities, and other appropriate engineering publications.

- a. Survey Monuments. The subdivider or condominium developer shall install survey monuments placed in accordance with the requirements of Section 236.15, Wisconsin Statutes, and as the City Engineer may require.
- b. Street Grading. After the installation of temporary block corner monuments the subdivider or condominium developer shall grade all streets proposed to be dedicated in accordance with standard specifications as approved by the City Engineer. The subdivider or condominium developer shall grade the roadbeds in the street rights-of-way to subgrade.
- c. Street Surfacing. After the installation of all utility and storm water drainage improvements, including necessary lateral connections, the subdivider or condominium developer shall surface all roadways in streets proposed to be dedicated to the widths prescribed by subsection 12.07 (6). The surfacing shall be done in accordance with standard specifications as approved by the City Engineer. No breaking of new pavement will be allowed for a period of 5 years from initial placement, unless approved by the City Engineer in an emergency situation.
- d. Curb and Gutter. After the installation of all utility and storm water drainage improvements including necessary lateral connections, the subdivider or condominium developer shall construct a 30-inch barrier concrete curb and gutter at pavement edges in accordance with standard specifications approved by the City Engineer. This requirement may be waived at the discretion of the City Engineer in areas designated for permanent rural use as reflected in the City's comprehensive plan and any City-adopted storm water management plan. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts. The breaking or cutting of curbs will only be allowed for driveway aprons.
- e. SIDEWALKS AND MULTIUSE PATHS. Concrete sidewalks shall be a minimum of 5 feet in width, and shall be required in accordance with the requirements of section 12.07(6). The construction of all required sidewalks, walkways, and multiuse paths shall be in accordance with standard specifications as approved by the City Engineer.

12.09 (4) Range of Required Improvements (continued)

- f. **PUBLIC SANITARY SEWERAGE SYSTEMS.** The subdivider or condominium developer shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision or condominium development. The size, type, depth, minimum grade, and installation of all sanitary sewers proposed to be constructed shall be in accordance with standard specifications as approved by the City Engineer. Proposed sanitary sewer lines shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the City Engineer, such extension is not necessary or desirable for the coordination of the layout of the subdivision or condominium development or for the advantageous development of the adjacent tracts. The minimum depth at the boundary lines shall be as proscribed by the City Engineer. The subdivider or condominium developer shall install and complete the installation of sewer laterals to the street lot line prior to any paving, curbing or sidewalk construction. The subdivider or condominium developer shall assume the cost of installing all sanitary sewers
- g. **PRIVATE SEWAGE DISPOSAL SYSTEMS.** If public sewer facilities are not available, the subdivider or condominium developer shall make provision for adequate private sewage disposal systems as specified by the City, state, county and/or town. If at the time of final platting, sanitary sewer facilities are not available to the subdivision or condominium development, but will become available within a period of 5 years from the date of recording, the subdivider or condominium developer shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by standard specifications as approved by the City Engineer.
- h. **STORM WATER MANAGEMENT FACILITIES.** Where public storm sewer facilities are available, the subdivider or condominium developer shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, and detention or retention facilities as required by the City Engineer or in accordance with any City-adopted storm water management ordinance. All such facilities are to be of adequate size, grade, depth, and design as required by the City Engineer.
- i. **PUBLIC WATER SUPPLY FACILITIES.** The subdivider or condominium developer shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision or condominium development. Proposed water supply lines shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the City Engineer, such extension is not necessary or desirable for the coordination of the layout of the subdivision or condominium development or for the advantageous development of the adjacent tracts. If public water service is not available, the subdivider or condominium developer shall make provision for adequate private water systems as specified by the City, state, county and/or town. The subdivider or condominium developer shall install and complete the installation of all required water laterals to the street lot line prior to any paving, curbing or sidewalk construction.
- j. **OTHER UTILITIES.** The subdivider or condominium developer shall cause gas, electrical power, telephone, cable television, and other telecommunications facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or condominium development. No such utility service shall be located on overhead poles. All installations must be underground. Plans indicating the proposed location of all utilities required to serve the plat shall be as approved by the City Engineer.

12.09 (4) Range of Required Improvements (continued)

- k. **STREET LIGHTS.** The subdivider or condominium developer shall install street lights along all streets proposed to be dedicated of a design compatible with the neighborhood, the type of development proposed, and City maintenance costs, as approved by the City Engineer. Such lights shall be placed at each street intersection and at such interior block spacing as required by the City Engineer.
- l. **STREET SIGNS.** The City shall install at the intersection of all streets proposed to be dedicated a street name sign of a design specified by the City Engineer. The City shall also install regulatory signs along all streets as necessary. The subdivider or condominium developer shall be responsible for reimbursing the City for all costs associated with the purchase and installation of required street name and regulatory signs.
- m. **STREET TREES.** The subdivider or condominium developer shall install at least one street tree for every residential lot or for every 90 lineal feet, or fraction thereof, of frontage a property has on a public street right-of-way, whichever is greater. Trees shall be located within the terrace area wherever possible, midway between the sidewalk and curb. Street trees shall be of a species acceptable to the City, and be at least 2 inches in diameter (caliper) upon planting. In lieu of installing street trees, the subdivider or condominium developer and City may agree that the City shall install street trees, with the subdivider or condominium developer paying to the City all costs associated with the purchase and installation of the trees, based on a written cost estimate provided to and approved by the City Engineer.
- n. **DRIVEWAYS.** Where driveways are to be provided, the subdivider or condominium developer shall install a hard surfaced driveway from all property lines to the pavement edge of adjacent streets and shall otherwise comply with the applicable requirements of the City's municipal code. If concrete curb and gutter is existing or proposed then all driveway aprons must be constructed of concrete.

12.10 Construction

12.10 (1) Commencement

Except for initial site preparation, no construction or installation of improvements shall commence in a proposed subdivision or condominium development until the final plat or condominium plat has been approved and the City Engineer has given written authorization. Initial site preparation shall meet the applicable provisions of this section.

12.10 (2) Building Permits

No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this section have been met.

12.10 (3) Plans

The following engineering plans and accompanying construction specifications shall be provided in both hard copy and digital form to the City Engineer before authorization of construction or installation of improvements:

- a. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements including: curb and gutter, sidewalks, walkways, and multi-use paths.
- b. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities;
- c. Storm water management plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required storm-sewer and other facilities;
- d. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities;
- e. Street lighting plans showing all proposed locations and specifications;
- f. Planting plans showing the locations, size, and species of any required street trees and landscaping within any required landscaped buffer strip;
- g. Temporary fencing plans pursuant to section 8.2 of the City zoning ordinance showing the location and fencing of all mature trees to be preserved and protected during and after construction.
- h. Additional special plans or information as required.

12.10 (4) Inspection

The subdivider or condominium developer, prior to commencing any work within the subdivision or condominium development, shall make arrangements with the City Engineer to provide for adequate inspection. At the expense of the subdivider or condominium developer, the City Engineer shall inspect and approve all completed work prior to release of the performance guarantees.

12.10 (5) Submittal of “As Built” Plans

Following construction of improvements, the subdivider or condominium developer shall submit to the City Engineer an “as built” set of plans showing all public improvements for the plat, both in digital and reproducible hard copy format.

12.11 Parks and Open Spaces

12.11 (1) Provision of Parks and Open Spaces

The subdivider or condominium developer of lands intended for residential purposes shall provide and dedicate to the public adequate land to provide for park, recreation and open space needs of the land development within the City. This requirement does not apply to the conversion of an existing residential building to a condominium where the number of dwelling units in the building is not increased as a result of the conversion. The location of such land to be dedicated shall be determined by the appropriate City approval authority. Where a land dedication is not compatible with the comprehensive plan or the parks and open space plan, or for other reasons is not advised by the City, the subdivider or condominium developer shall, in lieu thereof, pay a fee to the City to meet this requirement in whole or on a pro-rata basis. (Amended, Ordinance #2992, 05-20-2002)

- a. **LAND DEDICATION REQUIREMENT.** After consultation with the Park, Recreation and Conservation Advisory Commission, the appropriate City approval authority shall determine whether the dedication of land for parks or monies in lieu thereof will better serve the public interest. Where land is to be dedicated, 1,175 square feet of land shall be dedicated for each residential dwelling unit proposed. If no particular number of dwelling units is proposed, the requirements shall be based on the number of dwelling units permitted by right under the proposed subdivision or condominium development and the zoning in effect at the time of preliminary plat or condominium plat submittal. Lands dedicated for storm water management shall not be credited towards a subdivision or condominium development's parkland dedication requirements. Unless otherwise approved by the appropriate City approval authority, the minimum size of the dedicated land shall not be less than one acre. All lands proposed to be dedicated for park purposes shall be accompanied by a phase one environmental assessment indicating that such lands present no environmental hazard, and that they will not require environmental mitigation or remediation measures. Said environmental assessment shall be paid for by the subdivider or condominium developer.
- b. **MONIES IN LIEU OF LAND DEDICATION.** Where, after consultation with the Park, Recreation and Conservation Advisory Commission, the appropriate City approval authority determines that money in lieu of land is to be paid for dwelling units within the City's corporate limits, the amount shall be on a basis of \$141 per residential unit permitted by right under the proposed subdivision and zoning in effect at the time of preliminary plat or condominium plat submittal. This fee amount shall be adjusted during the first quarter of each year by a percentage equal to that of the rate of consumer inflation based on the percent of yearly change for the previous year for the Milwaukee metropolitan area as reported by the U.S. Department of Labor, Bureau of Labor Statistics.
- c. **PARK IMPROVEMENT FEE.** Regardless of whether land dedication or monies in lieu of land dedication are required, a park improvement fee of \$(to be determined based on impact fee study) dollars shall be paid for each dwelling unit proposed within the City's corporate limits. If no particular number of dwellings units is proposed, the requirements shall be based on the number of dwelling units permitted by right under the proposed subdivision or condominium development and zoning in effect at the time of preliminary plat submittal. This fee amount shall be adjusted during the first quarter of each year by a percentage equal to that of the rate of consumer inflation based on the percent of yearly change for the previous year for the Milwaukee metropolitan area as reported by the U.S. Department of Labor, Bureau of Labor Statistics.

12.11 (2) Specifications for Dedicated Land

- a. **UNITY.** The dedicated land shall form a single parcel of land except where the appropriate City approval authority determines that two parcels or more would be in the public interest.
- b. **Shape.** The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities planned for the area or the type of park intended.
- c. **Location.** The dedicated land shall be located so as to serve the recreation and open space needs of the subdivision or condominium development from which the dedication was made. Where the amount of land dedicated is less than one acre, the appropriate City approval authority may require that the recreation area be located in a suitable place on the edge of the proposed plat area so that additional land may be added when adjacent land is subdivided.
- d. **Access.** Public access to the dedicated land shall be provided by street frontage of sufficient width to assure safe, comfortable access to the dedicated land with a minimum public street frontage of no less than 15% of the perimeter of the park. In unique situations, the appropriate City approval authority and Park, Recreation and Conservation Advisory Commission may also permit access via public easement to the dedicated parcel. The easement shall be sufficiently wide so that maintenance equipment will have reasonably convenient access to the land.
- e. **Usability.** The dedicated land shall be usable for recreation, as determined by the Park, Recreation and Conservation Advisory Commission. Wetlands or sloped areas may be considered usable for recreational purposes at the discretion of the Park, Recreation and Conservation Advisory Commission. When usable land is dedicated for active recreational use, the subdivider or condominium developer shall grade, topsoil, and seed the land for its intended use before it will be accepted by the City. When useable land is dedicated for passive recreational use, the balance of the land should be restored to a natural state to the extent practicable and necessary.
- f. **Plans.** If specifically designated on the comprehensive plan, comprehensive plan component, official map, or park and open space plan, such park areas shall be made a part of the plat to the extent allowed under this section. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds, natural prairies and ravines.

12.11 (3) Allocation of Monies in Lieu of Dedicated Land and Park Improvement Fees

The City, when receiving monies in lieu of dedicated land and park improvement fees, shall hold these monies in separate reserve accounts to be used, respectively, for purchasing land for parks and other public open spaces and improving such lands. Where possible, these monies shall be spent to directly fill the needs of the subdivision or condominium development, which generated the monies. However, where such a practice would result in insufficient funds for any one park acquisition or improvement, then a set of priorities for improvements shall be established by City Council resolution. These priorities shall rank the planned acquisitions or improvements. Each improvement or acquisition shall be identified by the general area it is to serve. Each subdivision or condominium development contributing to the general reserve funds shall be shown as planned to be benefited by one of the projects in the list of priorities, unless that subdivision or condominium development is already adequately served.

12.11 (4) Credit for Private Open Space

Where the appropriate City approval authority agrees that private open space for park and recreational purposes is to be provided in a proposed subdivision or condominium development, and such space is to be privately owned and maintained as recreational space by the future residents of the subdivision or condominium development, such areas shall be credited against the requirement of public land dedication for park and recreation purposes or the payment of fees in lieu thereof; provided that the City Park, Recreation and Conservation Advisory Commission and appropriate City approval authority find it is in the public interest to do so, and that the following standards are met:

- a. Yards, court areas, setbacks and other open areas required to be maintained by zoning regulations shall not be included in the computation of such private open space;
- b. The private ownership and maintenance of the open space must be adequately provided for by written and recorded agreement;
- c. The use of the private open space must be restricted for park and recreational purposes by recorded covenants that run in favor of the future owners of property within the tract and the City and that cannot be eliminated without the consent of the City Council; and
- d. The proposed open space shall be designed for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land. All proposed recreational improvements shall be approved by the Park, Recreation and Conservation Advisory Commission.

12.11 (5) Credit for Improvements within Private Open Space

Where the appropriate City approval authority agrees that private open space can be used to satisfy all or part of the City's park land dedication requirements, and the subdivider or condominium developer agrees to install improvements, such as play equipment or athletic facilities within the private open space, the value of such improvements may be credited toward the requirement for park improvement fees provided that the Park, Recreation and Conservation Advisory Commission and appropriate City approval authority find it is in the public interest to do so.

12.11 (6) Land Reservations

Whenever a proposed park or other public open space land designated on the City's comprehensive plan, park and open space plan, or components thereof is within a proposed subdivision or condominium development, and the amount of public land suggested by said plan is in excess of the required park land dedication requirements set forth in this section, the City may require the reservation of such land for a period not exceeding 5 years from the date of final plat approval, unless extended by mutual agreement. Such reserved lands shall be kept in one or more out lots to be held by the subdivider or condominium developer. Over that period, the public agency having jurisdiction over said land shall have the ability to negotiate the purchase of said land at undeveloped land prices.

12.11 (7) Park Lands within Extraterritorial Jurisdiction

If public dedication is not required by another jurisdiction with authority, proposed public lands outside of the corporate limits of the City but within the extraterritorial jurisdiction shall be reserved for acquisition by the town, county, or City at undeveloped land costs for a period not exceeding 5 years, unless extended by mutual agreement between the subdivider and the local government(s) with potential interest in acquiring the land. The amount of land to be reserved shall be based on the park dedication area requirement in section 12.11(1).

12.11 (8) Access to Waterways

- a. A subdivision or condominium development abutting a navigable waterway shall be in accordance with the provisions of Wisconsin Statutes, Section 236.16(3), provide access at least 60 feet wide to the low water mark so that there will be public access, connected to public roads, at half mile intervals as measured along the lake or stream shore, except where greater intervals or different access is agreed upon by the state of Wisconsin, and excluding shore areas where public parks or open space, streets, or roads on either side of a stream are provided.
- b. The City may require a public access easement along all navigable waterways. Where natural waterways traverse the subdivision or condominium development containing sufficient waterway area to contain the design discharge and where such natural waterways are endowed with significant natural beauty and have proven themselves reasonably stable, the subdivider or condominium developer shall leave such channels in their natural state and shall dedicate, or provide public access easements along, such waterways, together with a sufficient access, along the periphery of the swale as a separate parcel or parcels, unless otherwise allowed by the City. Such dedication shall not be credited against the parkland dedication requirements specified in this section.

12.12 Administration and Enforcement

12.12 (1) Compliance

Upon the effective date of this chapter, no building permit or certificate of occupancy shall be issued for, or excavation commenced on, any lot or plat of land created by major subdivision, minor subdivision, or condominium plat that is not in substantial conformity with the provisions of this chapter. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a major subdivision, minor subdivision, condominium development or a replat as defined herein; no such major subdivision, minor subdivision, condominium plat or replat shall be entitled to have its associated plat or CSM recorded; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and:

- a. The provisions of Wisconsin Statutes, Chapters 236 and 703;
- b. Rules of the state of Wisconsin if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;
- c. The rules of the State Department of Transportation relating to safety of access, minimum setbacks for private improvements, and preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider or condominium developer abuts on a state trunk highway or connecting street;
- d. The duly approved comprehensive plan of the City of Beloit, or comprehensive plan components;
- e. All applicable local and county ordinances.

12.12 (2) Penalties

The City may institute appropriate action or proceedings to enjoin violations of this chapter and of the applicable Wisconsin Statutes. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1000 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Recordation improperly made has penalties provided in Wisconsin Statutes, Section 236.30. Conveyance of lots in unrecorded plats has penalties provided in Wisconsin Statutes, Section 236.31. Monuments disturbed or not placed have penalties as provided for in Wisconsin Statutes, Section 236.32. An assessor's plat made under Wisconsin Statutes, Section 70.27 may be ordered by the City at the expense of the subdivider when a subdivision is created by successive divisions.

12.13 Exceptions and Waivers

12.13 (1) General

Where the appropriate City approval authority finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or that the purposes of these regulations may be served to a greater extent by an alternative proposal such as a Traditional Neighborhood Development, it may approve exceptions and waivers to the regulations in this chapter so that substantial justice may be done and the public interest secured. The exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations. Exceptions or waivers to preliminary plat submittal requirements in section 12.03(3) may be approved by the City Engineer. All other exceptions or waivers must be approved by either the Plan Commission or City Council, whichever is the appropriate City approval authority. Exceptions or waivers may not be granted unless findings are made based upon the evidence presented in each specific case that all of the following conditions are met by the applicant:

- a. The granting of the exception or waiver conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, except as allowed through Planned Unit Development, Cluster Development or Traditional Neighborhood Development;
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, except as allowed through a Planned Unit Development, Cluster Development or Traditional Neighborhood Development;
- d. The relief sought will not in any manner vary the provisions of the comprehensive plan, zoning ordinance, official map, or other ordinances, except that those documents may be amended in the manner prescribed by law;
- e. The purpose of the variance or exception is not based exclusively on a financial consideration.

12.13 (2) Conditions

In approving exceptions or waivers, the appropriate City approval authority may require such conditions as will in its judgment secure substantially the purposes described in subsection 12.01(2).

12.13 (3) Procedures

A request for an exception or waiver shall be submitted in writing by the subdivider or condominium developer before or when the preliminary plat, final plat, certified survey map or condominium plat is filed. The request shall state fully the grounds for the exception or waiver and all of the facts relied upon by the petitioner. Exceptions or waivers to provisions of this chapter may be granted in accordance to the following procedures:

- a. For a requested exception or waiver to the preliminary plat submittal requirements in section 12.03 (3), the City Engineer may grant approval.
- b. For a Traditional Neighborhood Development authorized under section 2.11 of the zoning ordinance, the appropriate City approval authority shall grant a requested exception or waiver to one or more design standards included in section 12.07 if one or more similar design standards of section 5.7.3 are met.
- c. A majority vote of the entire membership of the appropriate City approval authority shall be required to grant an exception or waiver to all other standards otherwise applicable to a Traditional Neighborhood Development, Cluster Development, or Planned Unit Development.
- d. A 3/4th vote of the entire membership of the appropriate City approval authority shall be required to grant all other exceptions or waivers.

12.14 Fees

12.14 (1) General

The subdivider or condominium developer shall pay the City all fees as hereinafter required and at the time specified.

12.14 (2) Preliminary Plat/Condominium Plat Review Fee

The subdivider or developer of a condominium development shall pay the preliminary plat review fee established by City Council resolution at the time of filing the initial application for approval of the preliminary plat to assist in defraying the cost of review. A reapplication fee established by City Council resolution shall be paid at the time of filing any subsequent application for approval of any preliminary plat or condominium plat that has previously been reviewed and approved by the appropriate City approval authority.

12.14 (3) Improvement Review Fee

The subdivider or condominium developer shall pay the fee established by City Council resolution at the time of the submission of engineering plans and specifications to partially cover the cost incurred by the City for checking and reviewing such plans and specifications. This fee may be recomputed, upon demand of the subdivider or condominium developer or City Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider or condominium developer. Evidence of cost shall be in such detail and form as required by the City Engineer.

12.14 (4) Observation Fee

The subdivider or condominium developer shall pay a fee equal to the actual cost to the City for such observation as the City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the approved plat or certified survey map, engineering plans and specifications, or any other terms of this chapter.

12.14 (5) Final Plat Review Fee

The subdivider or condominium developer shall pay the final plat review fee established by City Council resolution at the time of filing the initial application for approval of the final plat to assist in defraying the cost of review (except where preliminary and final plat stages are combined for a condominium plat). A reapplication fee established by City Council resolution shall be paid at the time of filing any subsequent application for approval of any final plat or condominium plat that has previously been reviewed and approved by the appropriate City approval authority.

12.14 (6) Certified Survey Map Review Fee

The subdivider shall pay the CSM review fee established by City Council resolution at the time of filing any application for approval of the CSM to assist in defraying the cost of review.

12.14 (7) Administrative Fee

The subdivider or condominium developer shall pay a fee equal to the cost of any legal, administrative or fiscal work that may be undertaken by the City in connection with the plat. Legal work shall include the drafting of contracts between the City and the subdivider or condominium developer.

12.14 (8) Payment for Engineering, Planning, Observation, or Legal Service

The subdivider or condominium developer shall pay to the City the actual cost of any engineering, planning, observation or legal work undertaken by consultants hired by the City.

12.14 (9) Other Fees

The subdivider or condominium developer may be required to pay other fees established by City Ordinances or Council resolutions, including monies in lieu of park land dedication, park improvement fee, street sign cost reimbursements, public notice fees and street tree payments.

12.15 Definitions

For the purpose of this chapter, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word “shall” is mandatory and not discretionary.

- a. ACCESS: ‘Access’ means a way or means of approach to provide vehicular or pedestrian entrance to a property.
- b. ALLEY: An ‘alley’ means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other public street.
- c. APPROPRIATE CITY APPROVAL AUTHORITY: ‘Appropriate City approval authority’ means either the City Plan Commission or City Council, whichever body is granted authority by this chapter to approve a preliminary plat, final plat, certified survey map, or condominium plat.
- d. ARTERIAL STREET: ‘Arterial street’ means a street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways and parkways.
- e. BLOCK: A ‘block’ means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore-lines of waterways, or boundary lines of the City of Beloit.
- f. BUILDING SETBACK LINE: ‘Building setback line’ means a line parallel to a lot line and at a distance from the lot line to comply with the City zoning ordinance's yard requirements.
- g. CERTIFIED SURVEY MAP (CSM): ‘Certified Survey Map’ means a map, other than a condominium plat, used for recording a minor subdivision. (Amended, Ordinance #2992, 05-20-2002)
- h. CLUSTER DEVELOPMENT: ‘Cluster Development’ means a residential subdivision or condominium development in which the lots are allowed to be smaller (or area and width) than otherwise required by the zoning ordinance, but in which overall (gross) density cannot exceed the maximum density limits for the underlying zoning district.
- i. COLLECTOR STREET: ‘Collector street’ means a street used, or intended to be used, to carry traffic from minor streets and neighborhood connector streets to the major system of arterial streets.
- j. COMMUNITY: ‘Community’ means a town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.
- k. COMPREHENSIVE PLAN: ‘Comprehensive plan’ also called a master plan, under Section 62.23, Wisconsin Statutes, means a document prepared and adopted by the Plan Commission and/or City Council pursuant to Wisconsin Statutes, Sections 62.23 and/or 66.1001, including proposals for future land use, transportation, urban redevelopment and public facilities.
- l. CONDOMINIUM DEVELOPMENT: ‘Condominium development’ means a development of privately and individually owned buildings or building units on land held in common ownership, recorded by a condominium plat as defined in section 703.11, Wisconsin Statutes.
- m. COUNTY PLANNING AGENCY: ‘County planning agency’ means any agency created by a county board and authorized by statute to plan land use such as a rural planning committee, a park commission, or a zoning committee.
- n. CUL-DE-SAC STREET: ‘Cul-de-sac street’ means a minor street closed at one end with turn-around bulb provided for the safe and convenient reversal of traffic within the cul-de-sac.
- o. DEVELOPMENT AGREEMENT: ‘Development Agreement’ means a contract for improvements negotiated between the subdivider or condominium developer and the City as a condition of final plat, condominium plat or CSM approval.

- p. DRIVEWAY: A 'driveway' means an area defined by gravel, limestone, or paving located wholly within the boundaries of privately held property and intended as an access from the public right-of-way to an allowed parking space or area. The term "driveway" shall not include parking spaces or areas, or turnarounds.
- q. DWELLING UNIT: A 'dwelling unit' means any habitable room or group of adjoining habitable rooms located in a dwelling and forming a single unit with facilities which are intended to be used for living, sleeping, cooking and eating of meals for one family only.
- r. EASEMENT: 'Easement' means a grant by a property owner of the use of land for a specific purpose.
- s. EXTRATERRITORIAL JURISDICTION: 'Extraterritorial jurisdiction' means the unincorporated area within 3 miles of the City of Beloit, or such lesser distance as may be lawfully approved by the City Council, in which Wisconsin Statutes grant certain powers to the City, including but not limited to subdivision review authority.
- t. FINAL PLAT: 'Final plat' means a plan or record of a major subdivision and any accompanying material.
- u. FLAG LOT: 'Flag lot' means a lot with its widest point set back from the road, and having a thin, long strip ("flagpole") of land connected to the road to provide legal access and frontage.
- v. FRONTAGE: 'Frontage' means the length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- w. FRONTAGE STREET: 'Frontage street' means a minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- x. LOT OF RECORD: A 'lot of record' means a lot, which is part of a subdivision the plat of which has been recorded in the office of the Register of Deeds of Rock County; or a parcel of land, the deed to which was recorded in the office of said Register prior to the adoption of this ordinance.
- y. LOT, ZONING: A 'zoning lot or lots' means a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a zoning lot or lots may or may not coincide with a lot of record.
- z. LOT, CORNER: A 'corner lot' means a lot situated at an intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
- aa. LOT DEPTH: The 'lot depth' means the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
- bb. LOT WIDTH: The 'lot width' means the horizontal distance between the side lot lines of a lot measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.
- cc. LOT LINE, FRONT: The 'front lot line' means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.
- dd. LOT LINE, REAR: The 'rear lot line' means that boundary of a lot, which is most distant from and is, or is most nearly, parallel to the front lot line.
- ee. LOT LINE, SIDE: The 'side lot line' means any boundary of a lot, which is not a front lot line or rear lot line.
- ff. MAJOR SUBDIVISION: 'Major subdivision' means the division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where (1) a single act of division creates 5 or more parcels, building sites or condominium units, each less than 40 acres in size; or (2) an act of division results in the creation of 5 or more parcels, building sites or condominium units, by successive divisions within a period of 5 years, where at least 5 of the parcels, sites or condominium units are less than 40 acres in size. Major subdivisions are created through the recording of a final plat. (Amended, Ordinance #2992, 05-20-2002)

- gg. **MATURE WOODLAND:** An area or stand of trees with a total combined canopy of one acre or greater, with at least 50% of the trees having a diameter at breast height of at least 6 inches. However, no area or stand of trees specifically planted and grown for commercial purposes shall be considered a mature woodland.
- hh. **MINOR STREET:** ‘Minor street’ means a street used, or intended to be used, primarily for access to abutting properties and not primarily for through traffic.
- ii. **MINOR SUBDIVISION:** ‘Minor subdivision’ means one or more divisions of a parcel of land into not more than 4 parcels, building sites or condominium units, each less than 40 acres in size during a 5-year period. Minor subdivisions are created through the recording of a certified survey map or condominium plat. (Amended, Ordinance #2992, 05-20-2002)
- jj. **MUNICIPALITY:** ‘Municipality’ means the City of Beloit.
- kk. **PLANNED UNIT DEVELOPMENT:** A ‘planned unit development’ means a development within a PUD Planned Unit Development zoning district. The PUD district permits greater flexibility than under conventional zoning districts, encourages conservation of natural features, provides for efficient use of public services and improvements, encourages energy-efficient developments, promotes attractive and functional living and business environments, and accommodates well-planned, mixed use developments through a detailed site planning process.
- ll. **PLAT:** ‘Plat’ means a map used to depict a major or minor subdivision. (Amended, Ordinance #2992, 05-20-2002)
- mm. **PRELIMINARY PLAT:** ‘Preliminary plat’ means a map showing the salient features of a proposed major subdivision, submitted to the Plan Commission for purposes of preliminary consideration and approval before submittal of a final plat.
- nn. **PUBLIC LANDS:** ‘Public lands’ means publicly owned and maintained properties that include, but are not limited to, street rights-of-way, public parks and publicly-owned open space.
- oo. **PUBLIC WAY:** ‘Public way’ means any public road, street, highway, walkway, drainage-way, or part thereof.
- pp. **REPLAT:** ‘Replat’ means the changing of the boundaries of a recorded subdivision plat or part thereof.
- qq. **SANITARY SEWER SERVICE AREA:** ‘Sanitary sewer service area’ means a legally defined area in and around the corporate limits of the City of Beloit, within which the City of Beloit may, under Wisconsin Statutes and administrative rules, legally extend municipal sanitary sewer service facilities.
- rr. **SETBACK:** ‘Setback’ means the minimum horizontal distance between a property line and the closest wall of a building or structure to that property line.
- ss. **STREET TREE:** ‘Street Tree’ means a deciduous or evergreen tree planted within the terraces or median of a public right-of-way. Typically of a species of tree characterized by a high crown of foliage or broad overhead canopy. Mature height usually exceeds 30 feet.
- tt. **STREET:** ‘Street’ means a public or private right-of-way, which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to individual buildings.
- uu. **SUBCOLLECTOR STREET:** ‘Subcollector street’ means a residential street, generally internal to a major subdivision and intended to carry traffic from minor streets in a subdivision to the arterial and collector street networks, between adjoining subdivisions, and to neighborhood facilities such as parks and schools.
- vv. **SUBDIVIDER:** ‘Subdivider’ means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a major subdivision, minor subdivision or replat.

- ww. SUBDIVISION: 'Subdivision' means the division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development or lease. (See definitions of "Major Subdivision" and "Minor Subdivision" above.)
- xx. TRADITIONAL NEIGHBORHOOD DEVELOPMENT: A 'traditional neighborhood development' means a development within a Traditional Neighborhood Development zoning district that is compact; is designed for the human scale; provides a mix of land uses and housing types; incorporates an interconnected system of streets, sidewalks, and bikeways; retains and promotes historic architectural styles; incorporates significant environmental features; is consistent with the comprehensive plan; and is developed in accordance with the provisions of sections 2.11 and 5.7 of the zoning ordinance.

12.16 Official Map Regulations

The map entitled "OFFICIAL MAP OF THE CITY OF BELOIT" shall be deemed to be as much a part of this chapter as if the lines, symbols, notations, references and other matters shown were fully described and incorporated by reference herein and made a part hereof as if it were fully set forth.

12.16 (1) Purpose

The Official Map Regulations are intended to conserve and promote the public health, safety, convenience, and general welfare of the community by guiding and protecting the present and future development of streets, highways, parkways, parks and playgrounds.

12.16 (2) Jurisdiction

This section shall apply to all land within the City and within its extraterritorial plat approval jurisdiction; such extraterritorial jurisdiction being the unincorporated area within three miles of the corporate limits of the City.

12.16 (3) Adoption and Administration

The City Engineer shall prepare and maintain the official Map. Such map shall be subject to review and approval of the Plan Commission and adoption by the City Council. Before adoption of the official map a public hearing shall be held before the City Council, to afford interested parties and citizens an opportunity to be heard. Notice of such public hearing shall be published at least once in the official newspaper at least 20 days prior to the date of the public hearing. The City Engineer shall supply the Building Inspector, Plan Commission, and City Council with current copies of the official map.

12.16 (4) Recording

Upon the adoption of the official map by the City Council, the City Clerk shall immediately file with the Register of Deeds of Rock County, Wisconsin, a certificate indicating the City has established such official map.

12.16 (5) Content

The official map shall be drawn at a scale of at least 200 feet to the inch, and may contain the following minimum information:

- a. Title, scale, legend, and north point.
- b. Monuments which mark all section and quarter-section corners together with their state plane coordinates.
- c. In undeveloped areas, contours at vertical intervals of not more than 5 feet.
- d. The location and width of existing streets, highways, and parkways, and the location and extent of existing parks, playgrounds, and other public property; including plat or record dimensions of all street widths at intersections and at all changes in width, and all platted lot dimensions.
- e. All railroads and bridges and the shorelines of all waterways.
- f. The exterior lines of planned new streets, highways, parkways, parks, or playgrounds.
- g. Indications of official plans for the widening, narrowing, extending, or closing of existing streets, highways, parkways, parks, or playgrounds.

12.16 (5) Content (continued)

Such map shall be deemed to be final and conclusive with respect to the location and width of streets, highways, and parkways and the location and extent of parks and playgrounds shown thereon. However, property designated on the official map as reserved for planned new parks or playgrounds shall be acquired by the proper public agency, or the process of acquisition shall be initiated within 18 months of notification, in writing, by the owner of the property that he intends to develop the property. Such letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to institute acquisition within the prescribed 18 months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development.

12.16 (6) Enforcement

- a. **ENFORCING OFFICER - CITY ENGINEER.** The City Engineer shall enforce the requirements of this section. The City Engineer may call upon any other department or official of the City to furnish him with such information or assistance, as he may deem necessary for the observance or enforcement of the Official Map Regulations. Such other departments or officials shall furnish such information or assistance whenever requested.
- b. **MAPS AND PLATS TO CONFORM.** Upon the adoption of this section, no map or plat or any subdivision presented to the Plan Commission for review or approval, affecting land within the corporate limits of the City or in the contiguous unincorporated area within three miles of the corporate limits of the City, shall be entitled to record or shall be valid unless the subdivision shown thereon shall provide for streets, highways, parkways, parks, and playgrounds in conformity with the official map. The Plan Commission shall notify the City Engineer of any map or plat which does not conform to the official map.
- c. **DENIAL OF BUILDING PERMIT.** For the purpose of preserving the integrity of the official map, no building permit shall hereafter be issued for the erection of any building or other structure in the bed of any street, highway, or parkway indicated on the map, nor on any property indicated as reserved for park or playground use.

No building permit for the erection of any building or structure shall be issued unless a street, highway, or parkway giving access to such proposed structure has been duly placed on the official map. Where the enforcement of this provision would entail undue practical difficulties and hardship, appeal may be taken, as provided in subparagraph (8) hereunder.

Any person desiring to construct a building or structure in the bed of a street, highway, or parkway shown as extended into the unincorporated area within three miles of the City and located outside the corporate limits of the City, may apply to the Building Inspector for approval of such construction. The Building Inspector shall forward such application for approval to the City Engineer for review and recommendation. Unless such application is made and the approval granted or action not taken within 30 days of the receipt thereof, such person shall not be entitled to compensation for damage to such building or structure in the course of construction of the street, highway, or parkway.

- d. **INDICATION OF MUNICIPAL IMPROVEMENTS.** No public sewer, water distribution line, or other municipal street utility or improvement shall be constructed in any street, highway, or parkway until such street, highway, or parkway is duly placed on the official map.

12.16 (7) Amendments

- a. **ADOPTION BY THE CITY COUNCIL.** The City Council may, whenever and as often as it may deem necessary for the public interest, change or add to the official map so as to establish the exterior lines of planned new streets, highways, parkways, parks, or playgrounds, or to widen, narrow, extend, or close existing streets, highways, parkways, parks, or playgrounds.
- b. **REFERRAL TO PLAN COMMISSION AND CITY ENGINEER.** Before making such change or addition, the City Council shall refer the matter to both the Plan Commission and the City Engineer for reports thereon. If such reports are not transmitted to the City Council within 60 days of such referral, the Plan Commission and City Engineer shall forfeit the right to further suspend action.
- c. **PUBLIC HEARING.** No proposed change or addition to the official map, except those resulting from the approval of a subdivision plat or certified survey, shall become effective until after a public hearing in relation thereto before the City Council, at which interested parties and citizens shall have an opportunity to be heard. Notice of such public hearing shall be published at least once in the official newspaper not less than 15 nor more than 30 days prior to the date of the public hearing.
- d. **INTERPRETATION.** Such additions and changes, when adopted, shall become a part of the official map, and shall be deemed to be final and conclusive with respect to the location and width of the streets, highways, and parkways and the location and extent of the parks and playgrounds shown thereon. The placing of any street, highway, parkway, park, or playground line or lines upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street, highway, parkway, park, or playground or the taking or acceptance of any land for such purposes.
- e. **EXTRA-ORDINANCE CHANGES.** The locating, widening, or closing, or the approval of the locating, widening, or closing of streets, highways, parks, or playgrounds by the City under provisions of law other than this Chapter shall be deemed to be a change or addition to the official map, and shall be subject to the provisions of this chapter. However, changes or additions resulting from the approval by the City of a subdivision plat or certified survey shall not require the public hearing specified in subparagraph (7)(c) above, if the changes or additions do not affect any land outside of the platted area.
- f. **AMENDMENTS.** The official map of the City of Beloit is amended and changed to provide for the following:
 1. The mutually agreed upon rearrangement of the street bordering Lots 5, 6, 11 and 12, Starr's Addition, in accordance with proposed street layout map revised 5-1-53 and marked "Exhibit A".
 2. The coordination of Burton Street and Bayliss Avenue on either side of Rock River.
 3. The extension of Garfield Avenue north of Whipple Street. (Published 7-9-53)
 4. Approaches to Henry Avenue bridge and changes to Fourth Street extension, Henry Avenue and Riverside Drive all to conform to right-of-way requirements shown on plan and profile of proposed Henry Avenue bridge and approaches prepared and approved by State Highway Commission and approved by City of Beloit. Title to land required has been acquired by the State of Wisconsin.
 5. Extension of Morse Avenue as a street 60 feet wide extending from the south end of that portion of Morse Avenue vacated by Rock County Circuit Court May 16, 1955, to Henry Avenue, title to land for extension acquired by City of Beloit from Fairbanks, Morse & Company. (8-20-56 Published 8-26-56)
 6. Moore Street and Garfield Avenue from House Street north through tentative Golf Heights plat be moved east creating a change in alignment of their intersections at House Street.

12.16 (7) Amendments (continued)

f. AMENDMENTS. (continued)

7. Proposed North Street be deleted from Madison Road to Cleveland Street and proposed Johnson Street be deleted from Madison Road north to the south property line of Lots 5 and 6 of Moseley's Addition to the City of Beloit. (10-1-56 Published 10-6-56)
8. Eliminate a connecting street running east and west between Lincoln Avenue and Moore Street, said street being approximately 300 feet south of Whipple Street, and substitute a cul-de-sac or turn-around 100 feet in diameter at this point on Lincoln Avenue. (5-21-56 Published 5-28-56)
9. The alignment of Park Avenue on the official map of the City of Beloit shall be altered to follow the descriptions below:
10. A strip of land 100 feet in width, the easterly boundary of which is described as follows: (see Code of Ordinances for description)
11. The following change takes place in the east line of Park Avenue: Beginning at a point in the east line of Park Avenue 208 feet southerly of the south line of Cranston Road; thence northeasterly along a curve having a radius of 420 feet to a point in the south line of Cranston Road. (9-16-57)
 - (a.) Elimination of the proposed extension of Burton Street from a point commencing on the north line of Section 28, T1N, R12E of the 4th P.M., 230 feet North 89°13'15" West of the northeast corner of said Section 28, westerly to its connection with Spring Creek Road.
 - (b.) Substituting therefore the following proposed extension of Burton Street: A strip of land 80 feet in width, the centerline of which is described as follows: (see Code of Ordinances for description)
12. Eliminate that part of Cranston Road lying east of Prairie Avenue.
13. Establish a road to be known as Mason Drive legally described as follows: (see Code of Ordinances for description)
14. Establish that portion of Lee Lane and Dickinson Drive, extended southeasterly of Milwaukee Road a distance of 50 feet, 80 feet in width, and another road, 70 feet in width, the east right-of-way line of which coincides with the east line of the Morgan property, said line also being the west line of property owned by John and Lois Holmes. This street will extend 367 feet northwesterly of Milwaukee Road and also southeasterly of Milwaukee Road a distance of 50 feet. (11-18-63)
15. Eliminate Mound Avenue north of Henderson Street. (9-3-65)
16. (Repealed #1810)
17. Establish Lathers Road from S.T.H. 15 to East Colley Road, and particularly described as follows: (see Code of Ordinances for description)
18. Establish East Colley road from Townhall to Lathers Road, and more particularly described as follows: (see Code of Ordinances for description)
19. Establish Townhall Road from S.T.H. 15 to Hart Road, and more particularly described as follows: (see Code of Ordinances for description)
20. Establish Dickinson Drive between Turtle Creek and S.T.H. 15, and more particularly described as follows: (see Code of Ordinances for description)
21. (Cr. #1046) Section 28, T1N, R13 East.
22. (Cr. #1061) Establish Inman Parkway from Prairie Avenue to Creek Road, and more particularly described as follows: (see Code of Ordinances for description)
23. (Cr. #1066) To establish an additional 10 feet of right-of-way, to be reserved on the Official Map, on the north side of Maple Avenue, between Fourth Street and the Chicago and Northwestern Railway tracks.
24. (Cr. #1087, Amend. #1098) To establish right-of-way near Elmwood Avenue and vicinity of Riverside Drive for an interchange; more particularly described as follows: (see Code of Ordinances for description)

12.16 (7) Amendments (continued)

f. AMENDMENTS. (continued)

25. (Cr. #1105) To establish right-of-way for the placement of Elmwood Avenue from Prairie Avenue to Shopiere Road more particularly described as follows: (see Code of Ordinances for description)
26. (Cr. #1235) To establish a right-of-way on Freeman Parkway from 1400 feet north of Chatsworth to Hart Road; more particularly described as follows: (see Code of Ordinances for description)
27. (Cr. #1235) To establish a right-of-way for the I-90 overpass route, Freeman Parkway to Lathers Road; more particularly described as follows: (see Code of Ordinances for description)
28. (Cr. #1235) To establish a right-of-way for the Elmwood bypass, Riverside Drive (STH 51) to CMStP&PRR; more particularly described as follows: (see Code of Ordinances for description)
29. (Cr. #1235) To increase the established right-of-way on Hart Road, Shopiere Road to Townhall Road; more particularly described as follows: (see Code of Ordinances for description)
30. (Cr. #1276) To establish a right-of-way on Cranston Road extended from Prairie Avenue to Shopiere Road; more particularly described as follows: (see Code of Ordinances for description)
31. (Cr. #1276) To establish a right-of-way on Dickinson Drive extended from the Dickinson Bridge to Shopiere Road; more particularly described as follows: (see Code of Ordinances for description)
32. (Cr. #1358) Eliminate a portion of Bartells Drive in the Town of Beloit, located between Huebbe Parkway and West Hart Road, and more particularly described as follows: (see Code of Ordinances for description)
33. (Cr. #1872) To establish a right-of-way for Kennedy Drive extended to the Chicago, Milwaukee, St. Paul, Pacific Railroad right-of-way, more particularly described as follows: (see Code of Ordinances for description)
34. (Cr. #1980) To eliminate a 50 foot wide future frontage road located within Section 29, T1N, R13E of the 4th P.M., City of Beloit, Rock County, Wisconsin, as shown on the Official Map and described as : Located north of and abutting the northerly right-of-way line of Milwaukee Road between Cranston and Branigan Roads.
35. (Cr. #2554) To eliminate a right-of-way reservation near Elmwood Avenue and vicinity of Riverside Drive for an interchange as shown on the Official Map and described as: (see Code of Ordinances for description)
36. (Cr. #2554) To eliminate a right-of-way reservation for Elmwood Avenue bypass, Riverside Drive (U.S. Highway 51) to the Soo Line railroad tracks as shown on the Official Map and described as: (see Code of Ordinances for description)
37. (Cr. #2574) To establish the right-of-way reservation for Rachel Terrace east of Sarah Lane and the right-of-way for an unnamed street extending south from Hart Road to the south line of the S.W. ¼ section, Section 17, T1N, R13E, described as follows: (see Code of Ordinances for description)
38. (Cr. #2656) To establish the right-of-way reservation for Olympian Boulevard extended easterly from its present terminus at Fifth Street (vacated) to create a connection with Fourth Street, described as follows: (see Code of Ordinances for description)
39. (Cr. #2917) To eliminate a right-of-way reservation for Elmwood Avenue bypass, from Skyline Drive to Shopiere Road as shown on the Official Map and described as: (see Code of Ordinances for description)

12.16 (8) Appeals

- a. **AUTHORITY OF THE BOARD OF APPEALS; CONCERNING THE OFFICIAL MAP.** The Board of Appeals shall hear and decide appeals from the decisions of the Building Inspector in the following instances only:
 - i. If the land within the exterior of a mapped, but not existing, street, highway, parkway, park or playground cannot yield a fair return, the Board of Appeals may, by vote of a majority of its members, grant a permit for a building or structure within the exterior lines of such street, highway, parkway, park or playground. However, the Board may impose reasonable requirements as a condition for granting of such permit. Such requirements shall be designed to promote the health, convenience, safety or general welfare of the community and to ensure a minimum cost of future opening of such street, highway, parkway, park or playground. The Board of Appeals shall refuse a permit where the applicant will not be substantially damaged by placing his building or structure outside the mapped street, highway, parkway, park or playground.
 - ii. Where the enforcement of the provisions of subparagraph 12.17 (6) c., would entail practical difficulties or unnecessary hardship and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways or parkways, the applicant for such permit may appeal from the decision of the Building Inspector to the Board of Appeals. The Board, in passing on such appeal, may make any reasonable exception and issue the permit subject to conditions that will protect any future street, highway or parkway layout.
- b. **PROCEDURE FOR APPEAL.** Appeals shall be taken by filing with the Neighborhood Planning Director a notice of appeal specifying the grounds thereof. The Neighborhood Planning Director shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- c. **PUBLIC HEARING.** Before taking any action authorized in this subsection, the Board of Appeals shall hold a public hearing at which interested parties and others shall have an opportunity to be heard. A Class 1, newspaper notice shall be published in the City's official newspaper at least 15, but not more than 30 days prior to the date of the public hearing. Any decision shall be subject to review by certiorari issued by a court of record.

Appendix A

List of Subdivision Ordinance Text Amendments

Ordinance:	Date:	DESCRIPTION:
#2969	12-3-2001	Repeal and recreate the City of Beloit Subdivision Ordinance.
#2992	05-20-2002	Amendments to sections 12.03(1), 12.04(1), 12.05(1) & (2), 12.11(1), and 12.15(g)(ff)(ii) & (ll) of the Subdivision Ordinance pertaining to review of condominium plats.
#3051	02-18-2003	Amendments to subsection (1) of Section 12.04 and Table 1 of subsection (6) of Section 12.07.

Appendix B

**History of Fees required for:
Monies in lieu of Land Dedication [section 12.11(1)(b)]
and
Park Improvement Fee [section 12.11(1)(c)]**

Effective Date:	Monies in lieu of Land:	Park Improvement Fee:
December 3, 2001	\$141.00 per dwelling unit	(No fee established)
February 28, 2003	\$142.83 per dwelling unit	(No fee established)

Note: U.S. Department of Labor, Bureau of Labor Statistics, Annual Average Index for 20002
(Table 16A) percent of yearly change for 2002 = 1.3 percent ($\$141 \times 1.013 = \142.83)